

State of Iowa

Iowa

Administrative

Code

Supplement

Biweekly
May 30, 2012



STEPHANIE A. HOFF
ADMINISTRATIVE CODE EDITOR

Published by the
STATE OF IOWA
UNDER AUTHORITY OF IOWA CODE SECTION 17A.6

The Iowa Administrative Code Supplement is published biweekly pursuant to Iowa Code section 17A.6. The Supplement contains replacement chapters to be inserted in the loose-leaf Iowa Administrative Code (IAC) according to instructions included with each Supplement. The replacement chapters incorporate rule changes which have been adopted by the agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17 and 17A.4 to 17A.6. To determine the specific changes in the rules, refer to the Iowa Administrative Bulletin bearing the same publication date.

In addition to the changes adopted by agencies, the replacement chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay imposed by the ARRC pursuant to section 17A.4(7) or 17A.8(9); rescission of a rule by the Governor pursuant to section 17A.4(8); or nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

The Supplement may also contain replacement pages for the IAC Index or the Uniform Rules on Agency Procedure.

INSTRUCTIONS

FOR UPDATING THE

IOWA ADMINISTRATIVE CODE

Agency names and numbers in bold below correspond to the divider tabs in the IAC binders. New and replacement chapters included in this Supplement are listed below. Carefully remove and insert chapters accordingly.

Editor's telephone (515)281-3355 or (515)242-6873

Agriculture and Land Stewardship Department[21]

Replace Analysis

Replace Chapter 1

Replace Chapter 16

Replace Reserved Chapters 23 to 39 with Reserved Chapters 23 to 35

Insert Chapter 36 and Reserved Chapters 37 to 39

Insurance Division[191]

Replace Analysis

Replace Chapter 20

Inspections and Appeals Department[481]

Replace Chapter 51

State Public Defender[493]

Replace Chapters 12 and 13

Natural Resource Commission[571]

Replace Chapter 97

Homeland Security and Emergency Management Division[605]

Replace Analysis

Replace Chapter 7

Transportation Department[761]

Replace Analysis

Replace Chapters 400 and 401

Replace Chapter 405

Replace Chapter 425

Replace Chapter 431

Replace Chapter 450

Replace Chapter 511

Replace Chapter 524

Replace Chapter 529

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

[Created by 1986 Iowa Acts, chapter 1245]
[Prior to 7/27/88, Agriculture Department[30]]
Rules under this Department “umbrella” also include
Agricultural Development Authority[25] and Soil Conservation Division[27]

CHAPTER 1 ADMINISTRATION

- 1.1(159) Organization
- 1.2(159) Consumer protection and industry services division
- 1.3(159) Administration division
- 1.4(159) Soil conservation division
- 1.5(159) Food safety and animal health

CHAPTER 2 CONTESTED CASE PROCEEDINGS AND PRACTICE (Uniform Rules)

- 2.1(17A,159) Scope and applicability
- 2.2(17A,159) Definitions
- 2.3(17A,159) Time requirements
- 2.4(17A,159) Requests for contested case proceeding
- 2.5(17A,159) Notice of hearing
- 2.6(17A,159) Presiding officer
- 2.12(17A,159) Service and filing of pleadings and other papers
- 2.15(17A,159) Motions
- 2.16(17A,159) Prehearing conference
- 2.17(17A,159) Continuances
- 2.22(17A,159) Default
- 2.23(17A,159) Ex parte communication
- 2.24(17A,159) Recording costs
- 2.25(17A,159) Interlocutory appeals
- 2.26(17A,159) Final decision
- 2.27(17A,159) Appeals and review
- 2.28(17A,159) Applications for rehearing
- 2.29(17A,159) Stays of agency action

CHAPTER 3 PETITIONS FOR RULE MAKING (Uniform Rules)

- 3.1(17A) Petition for rule making
- 3.3(17A) Inquiries
- 3.5(17A) Petitions for related entities

CHAPTER 4 DECLARATORY ORDERS (Uniform Rules)

- 4.1(17A,159) Petition for declaratory order
- 4.2(17A,159) Notice of petition
- 4.3(17A,159) Intervention
- 4.4(17A,159) Briefs
- 4.5(17A,159) Inquiries
- 4.6(17A,159) Service and filing of petitions and other papers
- 4.7(17A,159) Consideration

- 4.8(17A,159) Action on petition
- 4.9(17A,159) Refusal to issue order
- 4.12(17A,159) Effect of a declaratory order

CHAPTER 5

AGENCY PROCEDURE FOR RULE MAKING

(Uniform Rules)

- 5.1(17A,159) Applicability
- 5.3(17A,159) Public rule-making docket
- 5.4(17A,159) Notice of proposed rule making
- 5.5(17A,159) Public participation
- 5.6(17A,159) Regulatory analysis
- 5.10(17A,159) Exemptions from public rule-making procedures
- 5.11(17A,159) Concise statement of reasons
- 5.13(17A,159) Agency rule-making record

CHAPTER 6

PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

(Uniform Rules)

- 6.1(17A,22) Definitions
- 6.3(17A,22) Requests for access to records
- 6.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records
- 6.9(17A,22) Disclosures without the consent of the subject
- 6.10(17A,22) Routine use
- 6.11(17A,22) Consensual disclosure of confidential records
- 6.12(17A,22) Release to subject
- 6.13(17A,22) Availability of records
- 6.14(17A,22) Personally identifiable information
- 6.15(17A,22) Other groups of records
- 6.16(17A,22) Data processing systems
- 6.17(159,252J,272D) Release of confidential licensing information for collection purposes

CHAPTER 7

COLLECTION PROCEDURES

- 7.1(159,252J,272D) Licensing actions
- 7.2(159,252J,272D) Collection procedures

CHAPTER 8

WAIVER OR VARIANCE OF RULES

- 8.1(17A,159) Definition
- 8.2(17A,159) Scope of chapter
- 8.3(17A,159) Applicability
- 8.4(17A,159) Criteria for waiver or variance
- 8.5(17A,159) Filing of petition
- 8.6(17A,159) Content of petition
- 8.7(17A,159) Additional information
- 8.8(17A,159) Notice
- 8.9(17A,159) Hearing procedures
- 8.10(17A,159) Ruling
- 8.11(17A,159) Public availability
- 8.12(17A,159) Summary reports
- 8.13(17A,159) Cancellation of a waiver
- 8.14(17A,159) Violations

- 8.15(17A,159) Defense
- 8.16(17A,159) Judicial review

CHAPTERS 9 to 11

Reserved

CHAPTER 12

RENEWABLE FUELS AND COPRODUCTS

- 12.1(159A) Purpose
- 12.2(159A) Definitions
- 12.3(159A) General provisions
- 12.4(159A) Renewable fuels motor vehicle fuels decals

CHAPTER 13

RENEWABLE FUEL INFRASTRUCTURE BOARD—ORGANIZATION

- 13.1(84GA,SF531) Definitions
- 13.2(84GA,SF531) Renewable fuel infrastructure board

CHAPTER 14

RENEWABLE FUEL INFRASTRUCTURE PROGRAM FOR
RETAIL MOTOR FUEL SITES

- 14.1(84GA,SF531) Purpose
- 14.2(84GA,SF531) Eligible applicants

CHAPTER 15

RENEWABLE FUEL INFRASTRUCTURE PROGRAM FOR
BIODIESEL TERMINAL GRANTS

- 15.1(84GA,SF531) Purpose
- 15.2(84GA,SF531) Eligible applicants

CHAPTER 16

RENEWABLE FUEL INFRASTRUCTURE PROGRAM ADMINISTRATION

- 16.1(84GA,SF531) Allocation of awards by congressional district
- 16.2(84GA,SF531) Form of award available; award amount
- 16.3(84GA,SF531) Application process
- 16.4(84GA,SF531) Review process
- 16.5(84GA,SF531) Contract administration

CHAPTERS 17 to 19

Reserved

CHAPTER 20

REFERENDUM

- 20.1(159) Purpose
- 20.2(159) Definitions
- 20.3(159) Voter eligibility
- 20.4(159) Referendum methods and procedures
- 20.5(159) Contesting referendum results
- 20.6(159) Official certification

CHAPTER 21

Reserved

CHAPTER 22

APIARY

22.1(160)	Diseases
22.2(160)	Parasites
22.3(160)	Requirement for the sale of bees
22.4(160)	Certificate of inspection required
22.5(160)	Certificate of inspection expiration
22.6(160)	American Foulbrood treatment
22.7(160)	Varroa mite treatment
22.8(160)	Undesirable subspecies of honeybees
22.9(160)	European honeybee certification
22.10(160)	Prohibit movement of bees from designated states
22.11(160)	Inspection required for the sale of bees, comb, or used equipment

CHAPTERS 23 to 35

Reserved

CHAPTER 36

EGG HANDLERS

36.1(196)	Definitions
36.2(196)	Licensing
36.3(196)	Minimum sanitation and operating requirements
36.4(196)	Egg grading or candling area
36.5(196)	Water supply
36.6(196)	Egg storage
36.7(196)	Eggs used in food preparation
36.8(196)	Labeling and packaging
36.9(196)	Restricted eggs
36.10(196)	Inspections and records
36.11(196)	Enforcement
36.12(196)	Health and hygiene of personnel
36.13(196)	Iowa grades

CHAPTERS 37 to 39

Reserved

CHAPTER 40

AGRICULTURAL SEEDS

40.1(199)	Agricultural seeds
40.2(199)	Seed testing
40.3(199)	Labeling
40.4 and 40.5	Reserved
40.6(199)	Classes and sources of certified seed
40.7(199)	Labeling of seeds with secondary noxious weeds
40.8(199)	Germination standards for vegetable seeds
40.9(199)	White sweet clover
40.10(199)	Labeling of conditioned seed distributed to wholesalers
40.11(199)	Seeds for sprouting
40.12(199)	Relabeling
40.13(199)	Hermetically sealed seed
40.14(199)	Certification of seed and potatoes
40.15(199)	Federal regulations adopted

CHAPTER 41 COMMERCIAL FEED

41.1(198)	Definitions and terms
41.2(198)	Label format
41.3(198)	Label information
41.4(198)	Expression of guarantees
41.5(198)	Suitability
41.6(198)	Ingredients
41.7(198)	Directions for use and precautionary statements
41.8(198)	Nonprotein nitrogen
41.9(198)	Drug and feed additives
41.10(198)	Adulterants
41.11(198)	Good manufacturing practices
41.12(198)	Cottonseed product control

CHAPTER 42 PET FOOD

42.1(198)	Definitions and terms
42.2(198)	Label format and labeling
42.3(198)	Brand and product names
42.4(198)	Expression of guarantees
42.5(198)	Ingredients
42.6(198)	Drugs and pet food additives
42.7(198)	Statements of calorie content
42.8(198)	Descriptive terms

CHAPTER 43 FERTILIZERS AND AGRICULTURAL LIME

43.1(200)	Additional plant food elements besides N, P and K
43.2(200)	Warning required
43.3(200)	Specialty fertilizer labels
43.4(200)	Pesticides in fertilizers
43.5(200)	Cancellation or suspension of registration or license
43.6(200)	Standard for the storage and handling of anhydrous ammonia
43.7(200)	Groundwater protection fee
43.8 to 43.19	Reserved
43.20(201)	Agricultural lime
43.21(200)	Minimum requirements for registration of fertilizer and soil conditioners
43.22(200)	Provisional product registration
43.23(200)	Review of product registrations
43.24(200)	Product claims
43.25 to 43.29	Reserved
43.30(201A)	Definitions
43.31(201A)	Determination of ECCE
43.32(201A)	Sample procedure
43.33(201A)	Sample analysis
43.34(201A)	Sample fee
43.35(201A)	Certification
43.36(201A)	Compliance with certification
43.37(201A)	Labeling
43.38(201A)	Toxic materials prohibited

- 43.39(201A) Added materials
- 43.40(201A) Egg shells

CHAPTER 44 ON-SITE CONTAINMENT OF PESTICIDES, FERTILIZERS AND SOIL CONDITIONERS

PESTICIDES

- 44.1(206) Definitions
- 44.2(206) On-site containment of pesticides
- 44.3(206) Design plans and specifications
- 44.4(206) Certification of construction
- 44.5(206) New pesticide storage and mixing site location
- 44.6(206) Pesticide storage and mixing site
- 44.7(206) Secondary containment for nonmobile bulk pesticide storage and mixing
- 44.8(206) Pesticide storage and mixing site containers
- 44.9(206) Transportation of bulk pesticides
- 44.10(206) Mixing, repackaging and transfer of pesticides
- 44.11(206) Distribution of bulk pesticides
- 44.12(206) Secondary containment for aerial applicator aircraft
- 44.13 to 44.49 Reserved

FERTILIZERS AND SOIL CONDITIONERS

- 44.50(200) On-site containment of fertilizers and soil conditioners
- 44.51(200) Definitions
- 44.52(200) Design plans and specifications
- 44.53(200) New fertilizer or soil conditioner storage site location
- 44.54(200) Certification of construction
- 44.55(200) Secondary containment for liquid fertilizers and liquid soil conditioner storage
- 44.56(200) Secondary containment for nonliquid fertilizers and soil conditioners
- 44.57(200) Fertilizer loading, unloading, and mixing area
- 44.58(200) Wash water and rinsates

CHAPTER 45 PESTICIDES

DIVISION I

- 45.1(206) Definitions and standards
- 45.2(206) Methods of analysis
- 45.3(206) Registration required
- 45.4(206) Registration of products
- 45.5(206) Registration, general application of
- 45.6(206) Revocation, suspension or denial of registration
- 45.7(206) Changes in labeling or ingredient statement
- 45.8(206) Label requirements
- 45.9(206) Directions for use—when necessary
- 45.10(206) Other claims
- 45.11(206) Name of product
- 45.12(206) Brand names, duplication of, or infringement on
- 45.13(206) Ingredient statement
- 45.14(206) Net contents
- 45.15(206) Coloration of highly toxic materials
- 45.16(206) Illegal acts
- 45.17(206) Guarantee of pesticide

45.18(206)	Shipments for experimental use
45.19(206)	Enforcement
45.20(206)	Hazardous rodenticides
45.21(206)	Highly toxic
45.22(206)	License and certification standards for pesticide applicators
45.23(206)	Sale or possession of thallium
45.24(206)	Warning, caution and antidote statements
45.25(206)	Declaration of pests
45.26(206)	Record-keeping requirements
45.27(206)	Use of high volatile esters
45.28(206)	Emergency single purchase/single use of restricted pesticide
45.29(206)	Application of general use pesticide by nonlicensed commercial applicator
45.30(206)	Restricted use pesticides classified
45.31(206)	Application of pesticides toxic to bees
45.32(206)	Use of DDT and DDD
45.33(206)	Use of inorganic arsenic
45.34(206)	Use of heptachlor
45.35(206)	Use of lindane
45.36(206)	Reports of livestock poisoning
45.37(206)	Approval of use of inorganic arsenic formulation
45.38 to 45.44	Reserved
45.45(206)	Ethylene dibromide (EDB) residue levels in food
45.46(206)	Use of pesticide Command 6EC
45.47(206)	Reporting of pesticide sales
45.48(206)	Dealer license fees
45.49(206)	Pesticide use recommendations
45.50(206)	Notification requirements for urban pesticide applications
45.51(206)	Restrictions on the distribution and use of pesticides containing the active ingredient atrazine or any combination of active ingredients including atrazine
45.52(206)	Continuing instructional courses for pesticide applicator recertification

DIVISION II

45.53 to 45.99	Reserved
----------------	----------

DIVISION III
CIVIL PENALTIES

45.100(206)	Definitions
45.101(206)	Commercial pesticide applicator peer review panel
45.102(206)	Civil penalties—establishment, assessment, and collection
45.103(206)	Review period
45.104(206)	Review by peer review panel
45.105(206)	Response by peer review panel

CHAPTER 46
CROP PESTS

46.1(177A)	Nursery stock
46.2(177A)	Hardy
46.3(177A)	Person
46.4(177A)	Nursery growers
46.5(177A)	Nursery
46.6(177A)	Nursery dealer
46.7(177A)	Out-of-state nursery growers and nursery dealers
46.8(177A)	Nursery inspection
46.9(177A)	Nursery dealer certificate

46.10(177A)	Proper facilities
46.11(177A)	Storage and display
46.12(177A)	Nursery stock viability qualifications
46.13(177A)	Certificates
46.14(177A)	Miscellaneous and service inspections
46.15(177A)	Insect pests and diseases
46.16(177A)	Firewood labeling

CHAPTER 47

IOWA ORGANIC PROGRAM

47.1(190C)	Iowa organic program
47.2(190C)	Exempt operations
47.3(190C)	Crops
47.4(190C)	Livestock
47.5(190C)	Use of state seal
47.6(190C)	General requirements
47.7	Reserved
47.8(190C)	Certification agent

ADMINISTRATIVE

47.9(190C)	Fees
47.10(190C)	Compliance
47.11(190C)	Regional organic associations (ROAs)

CHAPTER 48

PESTICIDE ADVISORY COMMITTEE

48.1(206)	Function
48.2(206)	Staff
48.3(206)	Advisors
48.4(206)	Meetings
48.5(206)	Open records
48.6(206)	Budget
48.7(206)	Review of pesticide applicator instructional course and examination

CHAPTER 49

BULK DRY ANIMAL NUTRIENTS

49.1(200A)	Definitions
49.2(200A)	License
49.3(200A)	Registration
49.4(200A)	Additional plant elements
49.5(200A)	Distribution statement
49.6(200A)	Distribution reports
49.7(200A)	Storage of bulk dry animal nutrients
49.8(200A)	Manure management plans

CHAPTER 50

WOMEN, INFANTS, AND CHILDREN/FARMERS' MARKET NUTRITION PROGRAM AND SENIOR FARMERS' MARKET NUTRITION PROGRAM

50.1(159)	Authority and scope
50.2(159)	Severability
50.3(159)	Definitions
50.4(159)	Program description and goals
50.5(159)	Administration and agreements
50.6(159)	Distribution of benefits

- 50.7(159) Recipient responsibilities
- 50.8(159) Farmers' market, farmstand, and community supported agriculture (CSA)
authorization and priority
- 50.9(159) Vendor certification
- 50.10(159) Certified vendor obligations
- 50.11(159) Certified vendor noncompliance sanctions
- 50.12(159) Appeal
- 50.13(159) Deadlines
- 50.14(159) Discrimination complaints

CHAPTER 51

REMEDIATION OF AGRICHEMICAL SITES

- 51.1(161) Definitions
- 51.2(161) Agrichemical remediation board

CHAPTER 52

GRAPE AND WINE DEVELOPMENT FUNDING PROGRAM

- 52.1(175A) Authority and scope
- 52.2(175A) Severability
- 52.3(175A) Goals and purpose
- 52.4(175A) Definitions
- 52.5(175A) Administration
- 52.6(175A) Grape and wine development programs
- 52.7(175A) Appeal

CHAPTERS 53 to 57

Reserved

CHAPTER 58

NOXIOUS WEEDS

- 58.1(317) Definition
- 58.2(317) Purple loosestrife
- 58.3(317) Records

CHAPTER 59

Reserved

CHAPTER 60

POULTRY

- 60.1(168) Egg-type chickens, meat-type chickens, turkeys, domestic waterfowl, domestic
game birds and exhibition poultry
- 60.2(168) License for dealers of baby chicks or domestic fowls
- 60.3(163) Turkeys
- 60.4(163) Registration of exhibitions involving poultry

CHAPTER 61

DEAD ANIMAL DISPOSAL

- 61.1(167) Dead animal disposal—license
- 61.2(167) Animal disposal—persons defined
- 61.3(167) Disposing of dead animals by cooking
- 61.4(167) License fee
- 61.5(167) Certificate issuance
- 61.6(167) Filing certificate
- 61.7(167) License renewal

61.8 to 61.10	Reserved
61.11(167)	Disposal plant plans
61.12(167)	Disposal plant specifications
61.13 and 61.14	Reserved
61.15(167)	Conveyances requirements
61.16(167)	Disposal plant trucks
61.17(167)	Disposal employees
61.18(167)	Tarpaulins
61.19(167)	Disposal vehicles—disinfection
61.20 to 61.22	Reserved
61.23(167)	Rendering plant committee
61.24(167)	Rendering plant—spraying
61.25(167)	Penalty
61.26 and 61.27	Reserved
61.28(167)	Anthrax
61.29(167)	Anthrax—disposal
61.30(167)	Hog-cholera—carcasses
61.31(167)	Noncommunicable diseases—carcasses
61.32(167)	Carcass disposal—streams
61.33(167)	Improper disposal

CHAPTER 62 REGISTRATION OF IOWA-FOALED HORSES AND IOWA-WHELPED DOGS

62.1(99D)	Definitions
62.2(99D)	Iowa horse and dog breeders' fund and Iowa thoroughbred horse breeders' promotion fund
62.3(99D)	Forms
62.4(99D)	Disciplinary actions
62.5(99D)	Access to premises and records
62.6(99D)	Registration fees
62.7 to 62.9	Reserved

THOROUGHBRED DIVISION

62.10(99D)	Iowa thoroughbred stallion requirements
62.11(99D)	Notification requirements
62.12(99D)	Stallion qualification and application procedure
62.13(99D)	Application information
62.14(99D)	Breeding record—report of mares bred
62.15(99D)	Iowa-foaled horses and brood mares
62.16(99D)	Iowa-foaled horse status
62.17 to 62.19	Reserved

STANDARD BRED DIVISION

62.20(99D)	Iowa standardbred stallion requirements
62.21(99D)	Notification requirements
62.22(99D)	Stallion qualification and application procedure
62.23(99D)	Application information
62.24(99D)	Breeding record—report of mares bred
62.25(99D)	Iowa-foaled horses and brood mares
62.26(99D)	Iowa-foaled horse status
62.27 to 62.29	Reserved

QUARTER HORSE DIVISION

62.30(99D)	Iowa quarter horse stallion requirements
62.31(99D)	Notification requirements
62.32(99D)	Stallion qualification and application procedure
62.33(99D)	Application information
62.34(99D)	Breeding record—report of mares bred
62.35(99D)	Iowa-foaled horses and brood mares
62.36(99D)	Iowa-foaled horse status
62.37(99D)	Embryo transfer for Iowa-foaled status
62.38 and 62.39	Reserved

GREYHOUND DOG DIVISION

62.40(99D)	Iowa-whelped dog requirements
62.41(99D)	Procedures for registration

CHAPTER 63
BRANDING

63.1(169A)	Location of brands on livestock
63.2(169A)	Brands in conflict

CHAPTER 64
INFECTIOUS AND CONTAGIOUS DISEASES

64.1(163)	Reporting disease
64.2(163)	Disease prevention and suppression
64.3(163)	Duties of township trustees and health board
64.4(163)	“Exposed” defined
64.5(163)	Sale of vaccine
64.6(163)	“Quarantine” defined
64.7(163)	Chiefs of Iowa and U.S. animal industries to cooperate
64.8(163)	Animal blood sample collection
64.9	Reserved

GLANDERS AND FARCY CONTROL

64.10(163)	Preventing spread of glanders
64.11(163)	Disposal of diseased animal
64.12(163)	Glanders quarantine
64.13(163)	Tests for glanders and farcy
64.14	Reserved

BLACKLEG CONTROL

64.15(163)	Blackleg
64.16	Reserved

DEPARTMENT NOTIFICATION OF DISEASES

64.17(163)	Notification of chief of animal industry
64.18 to 64.22	Reserved

RABIES CONTROL

64.23(163)	Rabies—exposed animals
64.24(163)	Rabies quarantine
64.25(351)	Control and prevention of rabies
64.26 to 64.29	Reserved

SCABIES OR MANGE CONTROL

64.30(163)	Scabies or mange quarantine
64.31	Reserved

DISEASE CONTROL AT FAIRS AND EXHIBITS

- 64.32(163) State fairgrounds—disinfection of livestock quarters
- 64.33(163) County fairs—disinfection of livestock quarters
- 64.34(163) Health requirements for exhibition of livestock, poultry and birds at the state fair, district shows and exhibitions
- 64.35(163) Health requirements for exhibition of livestock, poultry and birds at exhibitions
- 64.36 and 64.37 Reserved

DISEASE CONTROL BY CONVEYANCES

- 64.38(163) Transportation companies—disinfecting livestock quarters
- 64.39(163) Livestock vehicles—disinfection
- 64.40 Reserved

INTRASTATE MOVEMENT OF LIVESTOCK

- 64.41(163) General
- 64.42(163) Veterinary inspection
- 64.43(163) Swine
- 64.44 to 64.46 Reserved

BRUCELLOSIS

- 64.47(163) Definitions as used in these rules
- 64.48 Reserved
- 64.49(163) Certified brucellosis-free herd
- 64.50(163) Restraining animals
- 64.51(163) Quarantines
- 64.52(163) Identification of bovine animals
- 64.53(163) Cleaning and disinfection
- 64.54(163) Disposal of reactors
- 64.55(163) Brucellosis tests and reports
- 64.56(163) Suspect animals designated as reactors
- 64.57(163) Indemnity not allowed
- 64.58(163) Area testing
- 64.59 to 64.62 Reserved

BOVINE BRUCELLOSIS

- 64.63(164) Back tagging in bovine brucellosis control
- 64.64(164) Fee schedule
- 64.65(163) Definitions
- 64.66 Reserved

ERADICATION OF SWINE BRUCELLOSIS

- 64.67(163A) Brucellosis test
- 64.68(163A) Veterinarians to test
- 64.69 and 64.70 Reserved
- 64.71(163A) Fee schedule
- 64.72 Reserved

ERADICATION OF BOVINE TUBERCULOSIS

- 64.73(163) Tuberculin tests classified
- 64.74(163) Acceptance of intradermic test
- 64.75(163) Adoption of intradermic test
- 64.76(163) Ophthalmic test
- 64.77(163) Tuberculin test deadline
- 64.78(163) Health certificate
- 64.79(163) Ear tags
- 64.80(163) Cattle importation

64.81(163)	Tuberculin reactors
64.82(163)	Steers—testing
64.83(163)	Female cattle—testing
64.84(163)	Certificates and test charts
64.85(163)	Slaughtering reactors
64.86(163)	Agriculture tuberculin rules
64.87(163)	“Tuberculosis-free accredited herd” defined
64.88(163)	Retesting
64.89(163)	Accredited herd
64.90(163)	Selection of cattle for tuberculin tests
64.91(163)	Identification for test
64.92(163)	Removing cattle from herd
64.93(163)	Milk
64.94(163)	Sanitary measures
64.95(163)	Interstate shipment
64.96(163)	Reactors—removal
64.97(163)	Certificate
64.98(163)	Violation of certificate
64.99(163)	Tuberculin—administration
64.100(163)	Sale of tuberculin
64.101(165)	Fee schedule
64.102 and 64.103	Reserved

CHRONIC WASTING DISEASE (CWD)

64.104(163)	Definitions
64.105(163)	Supervision of the cervid CWD surveillance identification program
64.106(163)	Surveillance procedures
64.107(163)	Official cervid tests
64.108(163)	Investigation of CWD affected animals identified through surveillance
64.109(163)	Duration of quarantine
64.110(163)	Herd plan
64.111(163)	Identification and disposal requirements
64.112(163)	Cleaning and disinfecting
64.113(163)	Methods for obtaining certified CWD cervid herd status
64.114(163)	Recertification of CWD cervid herds
64.115(163)	Movement into a certified CWD cervid herd
64.116(163)	Movement into a monitored CWD cervid herd
64.117(163)	Recognition of monitored CWD cervid herds
64.118(163)	Recognition of certified CWD cervid herds
64.119 to 64.132	Reserved

ERADICATION OF SWINE TUBERCULOSIS

64.133(159)	Indemnity
64.134(159)	Fee schedule
64.135 to 64.146	Reserved

PSEUDORABIES DISEASE

64.147(163,166D)	Definitions. As used in these rules:
64.148 to 64.150	Reserved
64.151(163,166D)	Quarantines
64.152(163,166D)	Nondifferentiable pseudorabies vaccine disapproved
64.153(166D)	Pseudorabies disease program areas
64.154(163,166D)	Identification
64.155(163,166D,172B)	Certificates of inspection

64.156(166D)	Noninfected herds
64.157(166D)	Herd cleanup plan for infected herds (eradication plan)
64.158(166D)	Feeder pig cooperator plan for infected herds
64.159(166D)	Herds of unknown status
64.160(166D)	Approved premises
64.161(166D)	Sales to approved premises
64.162(166D)	Certification of veterinarians to initiate approved herd cleanup plans and approved feeder pig cooperator plan agreements and fee basis
64.163(166D)	Nondifferentiable pseudorabies vaccine disapproved
64.164 to 64.169	Reserved

PARATUBERCULOSIS (JOHNE'S) DISEASE

64.170(165A)	Definitions
64.171(165A)	Supervision of the paratuberculosis program
64.172(165A)	Official paratuberculosis tests
64.173(165A)	Vaccination allowed
64.174(165A)	Herd plan
64.175(165A)	Identification and disposal requirements
64.176(165A)	Segregation, cleaning, and disinfecting
64.177(165A)	Intrastate movement requirements
64.178(165A)	Import requirements
64.179 to 64.184	Reserved

LOW PATHOGENIC AVIAN INFLUENZA (LPAI)

64.185(163)	Definitions
64.186(163)	Supervision of the low pathogenic avian influenza program
64.187(163)	Surveillance procedures
64.188(163)	Official LPAI tests
64.189(163)	Investigation of LPAI affected poultry identified through surveillance
64.190(163)	Duration of quarantine
64.191(163)	Flock plan
64.192(163)	Cleaning and disinfecting
64.193 to 64.199	Reserved

SCRAPIE DISEASE

64.200(163)	Definitions
64.201(163)	Supervision of the scrapie eradication program
64.202(163)	Identification
64.203(163)	Restrictions on the removal of official identification
64.204(163)	Records
64.205(163)	Responsibility of persons handling animals in commerce to ensure the official identification of animals
64.206(163)	Veterinarian's responsibilities when identifying sheep or goats
64.207(163)	Flock plans
64.208(163)	Certificates of Veterinary Inspection
64.209(163)	Requirements for shows and sales
64.210(163)	Movement restrictions for animals and flocks
64.211(163)	Approved terminal feedlots

CHAPTER 65

ANIMAL AND LIVESTOCK IMPORTATION

65.1(163)	Definitions
65.2(163)	Pre-entry permits
65.3(163)	General requirements and limitations

65.4(163)	Cattle and bison
65.5(163,166D)	Swine
65.6(163)	Goats
65.7(163)	Sheep
65.8(163)	Equine
65.9(163)	Cervidae
65.10(163)	Dogs and cats
65.11(163)	Poultry, domestic fowl, and hatching eggs
65.12(163)	Swine production health plan (SPHP)
65.13(163)	Penalties

CHAPTER 66 LIVESTOCK MOVEMENT

66.1(163)	Definitions and permits
66.2(163)	Animal health sanitation and record-keeping requirements
66.3(163)	Duties and responsibilities of the livestock market management
66.4(163)	Duties and responsibilities of the livestock market veterinary inspector
66.5(163)	Classification of livestock markets and permitholders
66.6(163)	Requirements for state-federal (specifically) approved markets
66.7(163)	Requirements for sale of all bovine animals
66.8(163)	Testing
66.9(163)	Order of sale through auction markets
66.10(163)	Releasing cattle
66.11(163,172B)	Movement of livestock within the state
66.12(189,189A)	Movement of food-producing animals and their products into the state
66.13(163,202C)	Feeder pig dealer bonding/letter of credit requirement and claims procedures
66.14(163)	Intrastate movement requirements
66.15 to 66.19	Reserved
66.20(163)	Revocation or denial of permit

CHAPTER 67 ANIMAL WELFARE

67.1(162)	Animals included in rules
67.2(162)	Housing facilities and primary enclosures
67.3(162)	General care and husbandry standards
67.4(162)	Transportation
67.5(162)	Purchase, sale, trade and adoption
67.6(162)	Public health
67.7(162)	Kennels, shelters and other facilities—access, seizure and impoundment
67.8(162)	Applicability to commercial establishments with federal licenses
67.9(162)	Acceptable forms of euthanasia
67.10(162)	Loss of license or denial of license
67.11(162)	Dog day care
67.12(162)	Fostering oversight organizations and foster care homes
67.13(162)	Greyhound breeder or farm fee

CHAPTER 68 DAIRY

68.1(192,194)	Definitions
68.2(192)	Licenses and permits required
68.3	Reserved
68.4(192)	Certification of personnel
68.5(190,192,194)	Milk tests

68.6(190,192,194)	Test bottles
68.7 and 68.8	Reserved
68.9(192,194)	Tester's license
68.10(192,194)	Contaminating activities prohibited in milk plants
68.11(192,194)	Suspension of dairy farm permits

GRADE A MILK

68.12(192)	Milk standards
68.13(192,194)	Public health service requirements
68.14(190,192,194,195)	Laboratories

GRADE B MILK

68.15(192,194)	Milk standards
68.16(194)	Legal milk
68.17(194)	New producers
68.18(194)	Testing and exclusion of Class III milk
68.19(194)	Unlawful milk
68.20(194)	Price differential
68.21(194)	Penalties for plants and producers
68.22(192,194)	Farm requirements for milk for manufacturing
68.23 to 68.25	Reserved
68.26(190,192,194)	Tests for abnormal milk
68.27(192,194)	Standards for performing farm inspections

DAIRY FARM WATER

68.28 to 68.34	Reserved
68.35(192)	Dairy farm water supply
68.36(192)	Antibiotic testing
68.37(192,194)	Milk truck approaches
68.38 and 68.39	Reserved

MILK TANKER, MILK HAULER, MILK GRADER, CAN MILK TRUCK BODY

68.40(192)	Definitions
68.41(192)	Bulk milk tanker license required
68.42(192)	Bulk milk tanker construction
68.43(192)	Bulk milk tanker cleaning and maintenance
68.44(192)	Bulk tanker sanitization
68.45(192)	Bulk milk tanker cleaning facility
68.46(192)	Bulk milk tanker cleaning tag
68.47(192)	Dairy plant, receiving station or transfer station records
68.48(192)	Milk hauler license required
68.49(192)	New milk hauler license applicant
68.50(192)	Supplies required for milk collection and sampling
68.51(192)	Milk hauler sanitization
68.52(192)	Examining milk by sight and smell
68.53(192)	Milk hauler hand washing
68.54(192)	Milk temperature
68.55(192)	Connecting the milk hose
68.56(192)	Measuring the milk in the bulk tank
68.57(192)	Milk sample for testing
68.58(192)	Milk collection record
68.59(192)	Loading the milk from the bulk tank to the milk tanker
68.60(192)	Milk samples required for testing
68.61(192)	Bulk milk sampling procedures

68.62(192)	Temperature control sample
68.63(192)	Producer sample identification
68.64(192)	Care and delivery of producer milk samples
68.65(192)	Milk sample carrying case
68.66(192)	Bulk milk delivery
68.67(192)	False samples or records
68.68(192)	Violations prompting immediate suspension
68.69(192)	Milk grader license required
68.70(192)	New milk grader license applicant
68.71(192,194)	Can milk truck body

CHAPTER 69

MILK ROOM AND BULK TANKS FOR MANUFACTURING MILK

69.1(192)	Milk room
69.2(192)	Drainage
69.3(192)	Walls and ceilings
69.4(192)	Milk room windows
69.5(192)	Doors
69.6(192)	Ventilation
69.7(192)	Bulk tank location
69.8(192)	Hose port
69.9(192)	Safety regulations
69.10(192)	Properly located tank

CHAPTER 70

Reserved

CHAPTER 71

STANDARDS FOR DAIRY PRODUCTS

71.1(190)	Dairy products
71.2(189,210)	Requirements for packaging and labeling
71.3(210)	Requirements for the method of sale of commodities
71.4(210)	Requirements for unit pricing
71.5(189,190)	Flavors
71.6(190)	Standard for light butter

CHAPTERS 72 to 75

Reserved

CHAPTER 76

MEAT AND POULTRY INSPECTION

76.1(189A)	Federal Wholesome Meat Act regulations adopted
76.2(189A)	Federal Wholesome Meat Act regulations adopted
76.3(189A)	Federal Poultry Products Inspection Act regulations adopted
76.4(189A)	Inspection required
76.5(189A)	Custom/exempt facilities sanitation standard operating procedures
76.6(189A)	Forms and marks
76.7(189A,167)	Registration
76.8(189A,167)	Dead, dying, disabled or diseased animals
76.9(189A)	Denaturing and identification of livestock or poultry products not intended for use as human food
76.10(189A,167)	Transportation of decharacterized inedible meat or carcass parts
76.11(189A)	Records

- 76.12 Reserved
- 76.13(189A) Voluntary inspections of exotic animals
- 76.14(189A) Federal Wholesome Meat Act regulations adopted for the regulation of farm deer

CHAPTER 77

DANGEROUS WILD ANIMALS

- 77.1(82GA,SF564,SF601) Definitions
- 77.2(82GA,SF564,SF601) Prohibitions
- 77.3(82GA,SF564,SF601) Continued ownership—requirements of the individual
- 77.4(82GA,SF564,SF601) Continued ownership—insurance required
- 77.5(82GA,SF564,SF601) Continued ownership—electronic identification device
- 77.6(82GA,SF564,SF601) Continued ownership—registration form
- 77.7(82GA,SF564,SF601) Continued ownership—registration fee
- 77.8(82GA,SF564,SF601) Continued ownership—records required
- 77.9(82GA,SF564,SF601) Continued ownership—enclosure required
- 77.10(82GA,SF564,SF601) Continued ownership—signs required
- 77.11(82GA,SF564,SF601) Escape notification required
- 77.12(82GA,SF564,SF601) Relinquishment
- 77.13(82GA,SF564,SF601) Seizure, custody and disposal
- 77.14(82GA,SF564,SF601) Exemptions

CHAPTERS 78 to 84

Reserved

CHAPTER 85

WEIGHTS AND MEASURES

WEIGHTS

- 85.1(215) “Sensibility reciprocal” defined
- 85.2 Reserved
- 85.3(215) For vehicle, axle-load, livestock, animal, crane and railway track scales
- 85.4 Reserved
- 85.5(215) “Counter scale” defined
- 85.6(215) “Spring and computing scales” defined
- 85.7(215) “Automatic grain scale” defined
- 85.8(215) “Motor truck scales” defined
- 85.9(215) “Livestock scales” defined
- 85.10(215) “Grain dump scales” defined
- 85.11(215) Scale pit
- 85.12(215) Pitless scales
- 85.13(215) Master weights
- 85.14(215) Scale design
- 85.15(215) Weighbeams
- 85.16(215) Beam box
- 85.17 Reserved
- 85.18(215) Weight capacity
- 85.19(215) Provision for sealing coin slot
- 85.20(215) Stock racks
- 85.21(215) Lengthening of platforms
- 85.22(215) Accessibility for testing purposes
- 85.23(215) Assistance in testing operations
- 85.24(215) Beam scale
- 85.25(215) Spring scale

85.26(215) Weighbeam or beam
 85.27(215) Livestock scale

SCALES

85.28(215) Wheel-load weighers and axle-load scales
 85.29 to 85.32 Reserved

MEASURES

85.33(214A,208A) Motor fuel and antifreeze tests and standards
 85.34(215) Tolerances on petroleum products measuring devices
 85.35(215) Meter adjustment
 85.36(215) Recording elements
 85.37(215) Air eliminator
 85.38(215) Delivery outlets
 85.39(189,215) Weights and measures
 85.40(215) Inspection tag or mark
 85.41(215) Meter repair
 85.42(215) Security seal
 85.43(215) LP-gas meter repairs
 85.44(215) LP-gas delivery
 85.45(215) LP-gas meter registration
 85.46(215) Reporting new LP-gas meters
 85.47 Reserved
 85.48(214A,215) Advertisement of the price of liquid petroleum products for retail use
 85.49(214A,215) Gallonage determination for retail sales
 85.50(214,214A,215) Blender pumps
 85.51 Reserved

MOISTURE-MEASURING DEVICES

85.52(215A) Testing devices
 85.53(215A) Rejecting devices
 85.54(215,215A) Specifications and standards for moisture-measuring devices
 85.55 and 85.56 Reserved
 85.57(215) Testing high-moisture grain
 85.58 to 85.62 Reserved

HOPPER SCALES

85.63(215) Hopper scales

CHAPTERS 86 to 89

Reserved

CHAPTER 90

STATE LICENSED WAREHOUSES AND WAREHOUSE OPERATORS

90.1(203C) Application of rules
 90.2(203C) Definitions
 90.3(203C) Types of products to be warehoused
 90.4(203C,203D) Application for a warehouse operator license
 90.5(203C) Warehouse operator license
 90.6(203C) Posting of license
 90.7(203C) Renewal, expiration and reinstatement of license—payment of license fee
 90.8(203C) Financial statements
 90.9(203C) Bonds and irrevocable letters of credit
 90.10(203C) Insurance

90.11(203C)	Notice to the warehouse bureau
90.12(203C)	Issuance of warehouse receipts
90.13(203C)	Cancellation of warehouse receipts
90.14(203C)	Lost or destroyed receipt
90.15(203C)	Warehouse receipts
90.16(203C)	Tariffs
90.17(203C)	Records
90.18(203C)	Adjustment of records
90.19(203C)	Shrinkage due to moisture
90.20(203C)	Monthly grain statements
90.21(203C)	Grain stored in another warehouse
90.22(203C)	Warehouse operator's obligation and storage
90.23(203C)	Storing of products
90.24(203C)	Facilities
90.25(203C)	Maintenance of storage facilities
90.26(203C)	Temporary grain storage facilities
90.27(203C)	Emergency ground pile storage space
90.28(203C)	Polyethylene (polyvinyl) bag storage space
90.29(203C)	Prioritization of inspections of warehouse operators
90.30(203C)	Department of agriculture and land stewardship enforcement procedures
90.31(203C)	Review proceedings

CHAPTER 91

LICENSED GRAIN DEALERS

91.1(203)	Application of rules
91.2(203)	Definitions
91.3(203,203D)	Application for a grain dealer license
91.4(203)	Grain dealer license not transferable
91.5(203)	Posting of license
91.6(203)	Surrender of license
91.7(203)	Renewal, expiration and reinstatement of license—payment of license and indemnity fund fees
91.8(203)	Financial statements
91.9(203)	Bonds and irrevocable letters of credit
91.10(203)	Payment
91.11(203)	Books and records
91.12(203)	Assignment of contracts
91.13(203)	Filing of monthly grain statement and reports
91.14(203)	Notice to the warehouse bureau
91.15(203)	Shrinkage due to moisture
91.16(203)	Requirements for Class 2 licensees
91.17(203)	Requirements for licensees authorized to issue credit-sale contracts
91.18(203)	Department of agriculture and land stewardship enforcement procedures
91.19(203)	Review proceedings
91.20(203)	Prioritization of inspections of grain dealers
91.21(203)	Claims against credit-sale contract bond
91.22(203)	Electronic grain contracts
91.23(203)	Electronic grain contract providers and provider agreements
91.24(203)	Electronic grain contract users and user agreements
91.25(203)	Electronic grain contracts—issuance and form
91.26(203)	Security of a provider's electronic central filing system or a licensee's electronic database

CHAPTER 92

PARTICIPATION IN GRAIN INDEMNITY FUND

92.1(203D)	Mandatory participation in fund
92.2(203D)	Required fees
92.3(203D)	New license applicants
92.4(203D)	Due date for payment of the per-bushel and participation fees
92.5(203D)	Penalty for delinquent submission of per-bushel and participation fees
92.6(203D)	Penalty for delinquent payment of per-bushel fee discovered during examination

CHAPTER 93

GRAIN INDEMNITY FUND BOARD—ORGANIZATION AND OPERATIONS

93.1(203D)	Location
93.2(203D)	The board
93.3(203D)	Authority of the board
93.4(203D)	Meetings
93.5(203D)	Minutes
93.6(203D)	Board decisions
93.7(203D)	Records
93.8(203D)	Waiver of per-bushel and participation fees

CHAPTER 94

CLAIMS AGAINST THE GRAIN DEPOSITORS
AND SELLERS INDEMNITY FUND

94.1(203D)	Definitions
94.2(203D)	By whom claims can be made
94.3(203D)	Procedure for filing claims
94.4(203D)	Time limitations
94.5(203D)	Claims by depositors where bureau is receiver
94.6(203D)	Notice of claims
94.7(203D)	Report by bureau
94.8(203D)	Determination of claims
94.9(203D)	Appeal from determination
94.10(203D)	Payment of valid claims—conflicting interests

CHAPTER 95

CIVIL PENALTIES

95.1(203,203C)	Definitions
95.2(203,203C)	Grain industry peer review panel
95.3(203,203C)	Organization and location
95.4(203,203C)	Membership
95.5(203,203C)	Staff
95.6(203,203C)	Meetings
95.7(203,203C)	Criteria for assessing civil penalties
95.8(203,203C)	Notice of civil penalty assessment—informal settlement
95.9(203,203C)	Panel review
95.10(203,203C)	Scope of panel review
95.11(203,203C)	Panel response
95.12(203,203C)	Civil penalty assessment
95.13(203,203C)	Judicial assessment
95.14(203,203C)	Civil penalty payment

CHAPTER 1 ADMINISTRATION

[Prior to 2/24/88, see Agriculture Department, 30—Chapter 1]

21—1.1(159) Organization.

1.1(1) “*Department*” means the department of agriculture and land stewardship.

1.1(2) “*Secretary*” means the secretary of agriculture who is the head of the department.

1.1(3) The deputy secretary of agriculture advises the secretary and has the statutory authority to perform any of the duties required or authorized of the secretary in the secretary’s absence or through explicit directions or tacit consent.

1.1(4) The department is organized into four branches known as the consumer protection and industry services division, the administration division, the soil conservation division, and the food safety and animal health division. The deputy secretary of agriculture heads the administration division, and division directors head the consumer protection and industry services division, the soil conservation division, and the food safety and animal health division. The directors assist the secretary in the implementation of the secretary’s policies within the various bureaus, laboratories, and units assigned to that division. The directors shall also assist the secretary in supervising the work of the various bureaus and units assigned to that division, provide the expertise of their division to other divisions where appropriate, and perform other duties as assigned by the secretary.

1.1(5) Rescinded IAB 2/25/09, effective 2/5/09.

1.1(6) The grain indemnity fund board is an autonomous agency of which the secretary is president. The board operates in conjunction with the grain warehouse bureau of the department, determining and providing for payment of claims which arise as a result of the failure of a grain dealer or warehouse operator and administering the Iowa grain depositors and sellers indemnity fund. The rules for the board’s organization and operations and its procedures for resolving claims appear in 21—Chapters 63 and 64, Iowa Administrative Code.

1.1(7) The Iowa board of veterinary medicine is an autonomous agency functioning within the department to provide for the licensing and disciplining of veterinarians and veterinary assistants. The powers of the Iowa board of veterinary medicine are vested in the board pursuant to Iowa Code chapter 169, and its rules appear at 811—Chapter 1, et seq., Iowa Administrative Code. The secretary appoints the state veterinarian who, pursuant to Iowa Code section 169.5, serves as secretary to the board.

[ARC 7587B, IAB 2/25/09, effective 2/5/09; ARC 8240B, IAB 10/21/09, effective 9/30/09]

21—1.2(159) Consumer protection and industry services division. In addition to the duties outlined in subrule 1.1(4), the director of the consumer protection and industry services division advises the secretary of activities and any impending or potential problems that have come to the attention of the division’s personnel. The bureaus and laboratories under the supervision of the consumer protection and industry services division are as follows:

1.2(1) *Grain warehouse bureau.* This bureau licenses, inspects and examines grain dealers and grain warehouse facilities and reviews financial statements of licensees to ensure compliance with requirements, including payment of fees into the grain indemnity fund. The bureau also reviews claims made against the fund and makes recommendations on those claims to the grain indemnity fund board, upon which the board takes action. This bureau includes the following unit:

a. Audit. This unit analyzes reports filed by feed and fertilizer companies for fees paid into the general fund of the state. The unit also makes audits to check for compliance with check-off law for the commodity promotion boards.

b. Reserved.

1.2(2) *Weights and measures bureau.* This bureau inspects and licenses for commercial use all weights and measures or weighing and measuring devices; conducts petroleum products sampling and testing, tests and certifies antifreeze, and conducts random package and labeling inspections of products offered for sale; registers and licenses all service agencies and persons who service or repair commercial weighing and measuring devices; approves or rejects all blueprints on new scale installations; and approves or rejects bonds for scale installation. The bureau maintains the state metrology laboratory

and, following the rules and regulations of the National Institute of Standards and Technology and using the weights and measures standards that are traceable to the National Institute of Standards and Technology, adjusts, certifies, and seals weights and measures used by state inspectors, commercial repairers and private industry. The bureau deals with renewable fuels and coproducts by facilitating increased production and consumption of products made from Iowa's agricultural commodities and by encouraging production and use of renewable fuels and coproducts.

1.2(3) *Entomology and seed laboratory.* This laboratory licenses establishments selling or distributing seeds that are sold for agricultural purposes; controls the movement of serious insect pests and plant diseases, including those under federal quarantine; and inspects nursery stock growers and dealers.

1.2(4) *Agricultural diversification and market development bureau.* This bureau processes applications for organic certification and works closely with the Iowa organic advisory council to ensure approval of those applications that meet state and federal regulations. This bureau provides marketing opportunities for diversified agricultural products throughout the state. This bureau includes the following units:

a. Agricultural marketing. This unit works with the various boards of Iowa agricultural organizations to assist and support their respective marketing efforts. The unit also seeks new opportunities to assist Iowa's private firms to find markets for their products. The unit provides Iowa livestock and grain producers with essential market information on a timely basis through the market news reporting service, a joint effort with the United States Department of Agriculture. Additionally, the unit assists the renewable fuel infrastructure board, provides for the administration of the renewable fuel infrastructure programs, and provides for the management of the renewable fuel infrastructure fund.

b. Horticulture. This unit lends direction, continuity, leadership, and administrative services and guidance to the Iowa horticulture industry. The unit identifies and helps determine the market potential for horticultural crops such as ornamental plants, fruits and vegetables, Christmas trees, herbs, mushrooms, grapes, nuts, and turf products. The horticulture unit monitors the conditions of the industry and identifies, collects, and distributes pertinent information concerning horticulture and related interests. The unit acts as a resource for horticultural producers and provides referrals for assistance in marketing, production, financial aid, disaster programs, and regulatory issues. The horticulture unit acts as a liaison between industry organizations, other state and federal agencies, universities, noncommercial horticultural groups, and the agricultural community.

c. Farmers' markets. This unit assists in the organization and improvement of farmers' markets throughout the state. The unit collects and distributes information pertinent to the markets and provides market managers assistance in vendor recruitment, market promotion, and regulatory issues.

d. Farmers' market nutrition programs. This unit administers programs designed to provide a supplemental source of fresh, locally grown fruits and vegetables for women, infants, and children, seniors, and other clients and to increase the production, distribution, and consumption of locally grown fruits and vegetables.

1.2(5) *Horse and dog bureau.* This bureau promotes the Iowa horse and dog breeding industry by registering qualified Iowa-foaled horses and Iowa-whelped dogs and working in cooperation with the racing industry. The bureau administers the payment of breeder awards to the breeders of qualified winning horses and dogs.

[ARC 7587B, IAB 2/25/09, effective 2/5/09; ARC 8240B, IAB 10/21/09, effective 9/30/09; ARC 9220B, IAB 11/17/10, effective 10/20/10; ARC 9584B, IAB 6/29/11, effective 7/1/11; ARC 9816B, IAB 11/2/11, effective 12/7/11]

21—1.3(159) Administration division. In addition to the duties outlined in subrule 1.1(4), the director of the administration division, who is the deputy secretary of agriculture, assists the secretary in the preparation and presentation of the department's budget to the governor and the general assembly. The division provides personnel services and works with the secretary and other divisions in the selection, hiring, and most phases of employment record keeping and processing relative to pay, benefits, and employee status changes in relation to the department. The director shall serve as a liaison between the

department and the department of management, the department of administrative services, and the state auditor. The bureaus and units under the supervision of the division are as follows:

1.3(1) *Accounting bureau.* The accounting bureau handles all accounting functions for the department, manages grants, formulates budget recommendations, performs various other business functions including the paying of bills and vouchers, and maintains adequate inventory of laboratory supplies.

1.3(2) *Agricultural diversification and market development bureau.* Rescinded IAB 2/25/09, effective 2/5/09.

1.3(3) *Agricultural marketing bureau.* Rescinded IAB 2/25/09, effective 2/5/09.

1.3(4) *Agricultural statistics bureau.* This bureau collects, prepares and publishes annual state farm census and other periodic research data, such as production figures, utilization of feed grains, grain stocks on hand, price variance, and marketing data on crops and livestock.

1.3(5) *Audit bureau.* Rescinded IAB 2/25/09, effective 2/5/09.

1.3(6) *Climatology bureau.* This bureau collects data and keeps records on rainfall, snowfall, snowmelt, frost and sun days, and prepares various reports including publishing maps showing data by region.

1.3(7) *Horse and dog bureau.* Rescinded IAB 2/25/09, effective 2/5/09.

1.3(8) *Horticulture and farmers market bureau.* Rescinded IAB 2/25/09, effective 2/5/09.

1.3(9) *Information.* This unit is staffed by information specialists who prepare informational material for the public benefit under the direction of the secretary. The information specialists prepare information for use through the media including newspapers, radio, television, and magazines. Information specialists are also responsible for drafting brochures and cooperating with other state agencies in disseminating agricultural information and education.

1.3(10) *Renewable fuels and coproducts.* Rescinded IAB 2/25/09, effective 2/5/09.
[ARC 7587B, IAB 2/25/09, effective 2/5/09]

21—1.4(159) *Soil conservation division.* In addition to the duties outlined in subrule 1.1(4), the director of the soil conservation division advises the secretary on soil and water conservation matters and works with the state soil conservation committee in the adoption of rules relating to soil conservation, water resources, and mining. The division performs duties as designated in the Code of Iowa. The bureaus of the soil conservation division are as follows:

1.4(1) *Field services bureau.* This bureau works with elected soil and water conservation district commissioners and division of soil conservation personnel assigned to soil and water conservation districts. The bureau also coordinates water quality and watershed protection projects awarded to soil and water conservation districts.

1.4(2) *Financial incentives bureau.* This bureau works to control erosion on all agricultural land and administers incentive programs for the establishment of land treatment measures. The bureau also provides assistance and guidance to soil and water conservation districts.

1.4(3) *Mining bureau.* This bureau provides for the reclamation and conservation of land affected by surface mining. The bureau carries out coal regulatory and abandoned mine land programs and also regulates limestone and gypsum quarries, sand and gravel pits, and other mineral extraction operations.

1.4(4) *Water resources bureau.* This bureau coordinates water resources programs, including agricultural drainage well closures, watershed project development, and the conservation reserve enhancement program. The bureau also provides technical support on wetland issues, nutrient management, and other division programs.

21—1.5(159) *Food safety and animal health.* In addition to the duties outlined in subrule 1.1(4), the director of the food safety and animal health division advises the secretary of activities and any impending or potential problems that have come to the attention of the division's personnel. The bureaus and laboratories under the supervision of the food safety and animal health division are as follows:

1.5(1) *Animal industry bureau.* This bureau is under the direction of the state veterinarian and consists of the following units:

a. Animal health. This unit conducts brucellosis, pseudorabies, and tuberculosis control and eradication programs; issues quarantines and approves premises for receiving animals of unknown health status for feeding or isolation while under quarantine; monitors and investigates reports of foreign animal diseases; inspects and licenses cattle dealers, pig dealers, auction markets, hatcheries, and rendering plants; registers cattle brands; provides administrative support, supplies and facilities for the board of veterinary medicine; maintains the capability to react to emergency situations; and maintains liaisons with livestock producer groups.

b. Animal welfare. This unit licenses and regulates facilities that engage in commercial activities relating to animals in the pet industry including, but not limited to, pet stores, dog and cat breeders and dealers, animal shelters and pounds, and kennels.

1.5(2) Commercial feed and fertilizer bureau. This bureau licenses feed mills and commercial feed manufacturing facilities; registers feed and stock tonic products; collects commercial feed tonnage fees; inspects medicated feed in accordance with Food and Drug Administration (FDA) rules and regulations; licenses and registers fertilizer plants and products; collects, compiles, and distributes data on plant food consumption; collects commercial fertilizer tonnage fees and groundwater protection fees; approves, inspects and regulates all anhydrous ammonia installations; licenses, samples, evaluates and certifies all limestone quarries; and licenses and inspects egg handlers.

1.5(3) Dairy products control bureau. This bureau conducts a statewide program of dairy products control and regulates all phases of production, processing, and manufacturing of Grade A and Grade B dairy foods (manufacturing milk), dairy food, milk and dairy products, and other by-products. The dairy program is a part of a national regulatory scheme which provides for the interstate shipment of raw milk, pasteurized milk, and dairy products.

1.5(4) Meat and poultry inspection bureau. This bureau enforces and administers Iowa Code chapter 189A, the meat and poultry inspection Act. It is a cooperative program with the United States Department of Agriculture. The program must maintain an “equal to” status with the federal Wholesome Meat and Poultry Products Inspection Acts. This bureau conducts inspections of facilities, animals, products, and labeling and exercises processing controls and reinspection of meat and poultry products for intrastate commerce.

1.5(5) Pesticide bureau. This bureau registers pesticide products, licenses and certifies pesticide applicators, establishes programs for best management practices of agricultural chemicals, monitors consumer products for pesticide residues, implements pesticide enforcement and certification programs of the Environmental Protection Agency, and cooperates with the department of natural resources and other agencies.

1.5(6) Feed, fertilizer, vitamin and drug laboratory. This laboratory analyzes feed and fertilizer samples to ensure that they comply with the guaranteed analysis. The laboratory analyzes medicated feed samples to ensure that they are manufactured and used in accordance with Food and Drug Administration (FDA) regulations. The laboratory also analyzes milk products for added vitamins A and D₃.

1.5(7) Food, meat, poultry and dairy laboratory. This laboratory analyzes samples to detect bacterial contamination and determine the composition of the product and substances added to determine wholesomeness and safety; certifies private dairy laboratories in the state; and tests public and private water supplies for bacteria and nitrate content.

1.5(8) Pesticide residue and formulation laboratory. This laboratory analyzes samples collected from pesticide retail establishments, from pesticide manufacturers to determine if pesticides have been used and produced properly, and during use/misuse investigations.

[ARC 8240B, IAB 10/21/09, effective 9/30/09; ARC 0138C, IAB 5/30/12, effective 7/4/12]

These rules are intended to implement Iowa Code sections 17A.3 and 17A.4 and Iowa Code chapter 159.

[Filed 12/8/75, Notice 11/3/75—published 12/29/75, effective 2/2/76]

[Filed 3/30/77, Notice 2/23/77—published 4/20/77, effective 5/26/77]

[Filed 1/13/84, Notice 12/7/83—published 2/1/84, effective 3/7/84]

[Filed 2/5/88, Notice 12/30/87—published 2/24/88, effective 3/30/88]

[Filed emergency 7/8/88 after Notice 6/1/88—published 7/27/88, effective 7/8/88]

[Filed 12/24/98, Notice 11/4/98—published 1/13/99, effective 2/17/99]

[Filed 5/5/02, Notice 2/6/02—published 5/29/02, effective 7/3/02]

[Filed Emergency ARC 7587B, IAB 2/25/09, effective 2/5/09]

[Filed Emergency ARC 8240B, IAB 10/21/09, effective 9/30/09]

[Filed Emergency ARC 9220B, IAB 11/17/10, effective 10/20/10]

[Filed Emergency ARC 9584B, IAB 6/29/11, effective 7/1/11]

[Filed ARC 9816B (Notice ARC 9583B, IAB 6/29/11), IAB 11/2/11, effective 12/7/11]

[Filed ARC 0138C (Notice ARC 0078C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

CHAPTER 16
RENEWABLE FUEL INFRASTRUCTURE PROGRAM ADMINISTRATION

21—16.1(84GA,SF531) Allocation of awards by congressional district. The board shall use the boundaries of the state's congressional districts and shall prorate and equally distribute the amount available each fiscal year for each district. The board shall have at its discretion a prorated amount (up to \$500,000) to distribute to any congressional district. On April 1 of each year, if funds allocated to a district have not been committed, the unobligated balance shall revert to the reserve fund and be available for other projects approved by the board.

[ARC 9584B, IAB 6/29/11, effective 7/1/11; ARC 9816B, IAB 11/2/11, effective 12/7/11]

21—16.2(84GA,SF531) Form of award available; award amount.

16.2(1) Form of award. Eligible applicants may apply for financial incentives on a cost-share basis. Funding shall be available in the form of a grant.

16.2(2) Timing of application. A grant may be awarded for an eligible project not yet commenced. However, a grant for an initial application may not be awarded more than one year after the project is put in service.

16.2(3) Amount of award.

a. Retail award site.

(1) Three-year cost-share agreement for a retail site. The maximum award amount is 50 percent of the actual cost of making the improvements or \$30,000, whichever is less.

(2) Five-year cost-share agreement for a retail site. The maximum award amount is 70 percent of the actual cost of making the improvements or \$50,000, whichever is less.

(3) Supplemental financial incentives. A person may be granted supplemental financial incentives as an amendment to the cost-share agreement.

1. Supplemental award for Underwriters Laboratories upgrade. The purpose of an award for Underwriters Laboratories (UL) is to upgrade to UL-certified dispensers, blender pumps and dispensing infrastructure, UL-approved conversion kits and approved and insurable installation projects. The maximum amount available as a supplemental financial incentive is 75 percent of the actual cost of making the improvements or \$30,000, whichever is less. The dispenser can be listed by an independent certified testing laboratory or Underwriters Laboratories (UL) as compatible with ethanol blended gasoline classified as E-9 or higher.

2. Supplemental award for additional tank and associated infrastructure. A person may request a supplemental financial incentive for tank and associated infrastructure, as an amendment to the subsequent cost-share agreement(s). The purpose of an award for an additional tank(s) and associated infrastructure is to accelerate the installation of an additional tank(s) and associated infrastructure at an additional retail motor fuel site after an initial grant award is provided. To be eligible, the initial grant award must be awarded to the person on or after May 12, 2008. The maximum award amount available as a supplemental financial incentive is \$6,000 per supplemental site. The person is limited to four supplemental financial incentive awards within the 12-month period following the completion of the initial retail motor fuel site project.

b. Terminal facility award for biodiesel B2 through B98 and B99/B100 for year-round distribution.

(1) Biodiesel fuel B2 through B98.

1. Duration. The duration of the cost-share agreement shall be five years.

2. Maximum award. The maximum award amount is 50 percent of the actual cost of making the improvements or \$50,000, whichever is less.

(2) Biodiesel fuel B99/B100 for year-round distribution.

1. Duration. The duration of a cost-share agreement is five years.

2. Maximum award amount. The maximum award amount is 50 percent of the actual cost of making the improvements or \$100,000, whichever is less.

3. Application acceptance begins January 1, 2009. Grant applications for B99/B100 projects will be accepted beginning January 1, 2009.

4. Lifetime cap amount. The maximum or lifetime cap for B99/B100 biodiesel terminal grants is \$800,000 per person.

c. Tank vehicle.

(1) December 31, 2008, deadline. A tank vehicle application must be postmarked no later than December 31, 2008, to be eligible.

(2) Duration. The duration of the cost-share agreement is three years. The maximum award amount is 50 percent of the actual cost of making the improvements or \$30,000, whichever is less.

(3) Limitation on number of grants. A person may receive one grant for one tank vehicle used to store and dispense E-85 gasoline and one grant for one tank vehicle used to store and dispense biodiesel or biodiesel blend. If a person received an award for a tank vehicle(s) prior to May 12, 2008, that person is eligible to apply for an additional tank vehicle.

16.2(4) *Time of payment.* The grant shall be paid only upon timely completion of the project and upon the board's receipt of records satisfying the board of the applicant's qualifying expenditures.

a. The applicant must deliver to the board prior to payment a certificate of completion on the board's form.

b. The certificate of completion must include the IDNR checklist completed and signed by an Iowa-certified installer showing review and approval of the completed project.

c. The certificate of completion must be accompanied by proof of financial responsibility as necessary to meet federal requirements for underground storage tank installation.

16.2(5) *Deadline for completion.* The project must be completed within eight months of the board's approval of the award. An extension may be granted by the board upon application showing demonstrable progress toward completion.

16.2(6) *Multiple awards for multiple fuel types.*

a. At a single fuel site. A person must file a separate application form for an ethanol infrastructure improvement grant and a biodiesel infrastructure improvement grant, respectively, at a single fuel site. The board may approve multiple improvements to the same retail motor fuel site for the full amount available for ethanol infrastructure and biodiesel infrastructure. Applications for ethanol and biodiesel infrastructure improvements must be written in separate cost-share agreements.

b. At multiple fuel sites. A person may receive multiple grants as described in paragraph 16.2(6) "a" for more than one motor fuel site. When considering multiple grants for multiple fuel sites, the board will make awards fairly and properly among applicants and geographic areas.

16.2(7) *Exhaustion of funds.* In the event funding is exhausted at the end of the fiscal year or June 30, 2012, the board shall approve remaining applications based on criteria implemented by the board.

[ARC 9584B, IAB 6/29/11, effective 7/1/11; ARC 9816B, IAB 11/2/11, effective 12/7/11; ARC 0139C, IAB 5/30/12, effective 7/4/12]

21—16.3(84GA,SF531) Application process.

16.3(1) *Application procedures.*

a. Applications may be submitted at any time, but will be reviewed on a first-come, first-served basis as established by the date stamp on the filed application.

b. Applications shall be submitted to: Renewable Fuel Infrastructure Board, Iowa Department of Agriculture and Land Stewardship, 502 East Ninth Street, Des Moines, Iowa 50309. Application forms and instructions are available at this address.

16.3(2) *Contents of application.*

a. Statutory requirements. An application shall include the information required in Iowa Code section 15G.203.

b. Other information required by the board:

(1) Assurance that the project will be for the purpose of installing, replacing, or converting equipment for the storage or dispensing of the renewable fuel under consideration.

(2) Assurance that all equipment funded by the grant is designed and will be used exclusively to store or dispense E-85 gasoline, biodiesel or biodiesel blended fuel, respectively, for the period specified in the agreement.

(3) An IDNR checklist indicating the current status of the site.

- (4) Assurance of compliance with any and all federal requirements for financial responsibility.
 - (5) Assurance of compliance with any and all state and federal laws and regulations.
 - (6) A cost proposal from an Iowa-licensed underground storage tank installer (for underground storage projects) and a qualified aboveground storage tank installer (for aboveground storage projects).
 - (7) Documentation of initiation of the process of applying to an independent laboratory and the manufacturer's written statement that the dispenser is "not incompatible."
- [ARC 9584B, IAB 6/29/11, effective 7/1/11; ARC 9816B, IAB 11/2/11, effective 12/7/11]

21—16.4(84GA,SF531) Review process.

16.4(1) The underground storage tank fund board has chosen not to review the applications. The renewable fuel infrastructure board will review an application for final approval or disapproval. The renewable fuel infrastructure board shall determine the amount of financial incentives to be awarded to an applicant.

16.4(2) Completed applications, including supporting documentation of meeting eligibility requirements, will be reviewed on a first-come, first-served basis. If the amount of funding requests exceeds available funds, the board shall evaluate applications based upon criteria that include, but are not limited to, the following:

- a. Submittal of a completed application, including supporting documentation.
- b. Location factors such as demographics, proximity to major transportation corridors, and proximity to existing renewable fuel retail and storage facilities.
- c. Projected annual sales volume.
- d. Other sources of funding.
- e. Previous grants awarded.

[ARC 9584B, IAB 6/29/11, effective 7/1/11; ARC 9816B, IAB 11/2/11, effective 12/7/11]

21—16.5(84GA,SF531) Contract administration.

16.5(1) *Notice of award.* The department shall notify approved applicants in writing of the board's award of grants, including any conditions and terms of the approval.

16.5(2) *Contract required.* The board shall direct the department to prepare a cost-share agreement which shall include terms and conditions of the grant established by the board. The agreement shall:

- a. Describe the project in sufficient detail to demonstrate the eligibility of the project.
- b. State the total cost of the project expressed in a project budget that contains sufficient detail to meet the requirements of the infrastructure board.
- c. State the project completion deadline.
- d. State the project completion requirements which are preconditions for payment of the grant by the board.
- e. Recite the penalty for the storage or dispensing of motor fuel other than the type of renewable fuel for which the grant was awarded.

(1) Awards for projects under construction or not yet started. The three- or five-year obligation to continue dispensing renewable fuel begins on the date the project is completed.

(2) Awards for projects already completed. The three- or five-year obligation to continue dispensing renewable fuel begins on the date the department issues the first disbursement of grant funds, not on the date of project completion.

f. Be amended to include a supplemental financial incentive, if a supplemental financial incentive is awarded by the board.

16.5(3) *Repayment penalty for nonexclusive renewable fuel use.* In the absence of a waiver from the board, the department may impose a 25 percent penalty due to a grant recipient's use of infrastructure equipment for which a grant was awarded, for the storage or dispensing, within the time frame stated in the agreement, of motor fuel other than the type of renewable fuel for which the grant was awarded.

16.5(4) *Repayment or board waiver.* A grant recipient may not use the infrastructure to store and dispense motor fuel other than the type approved by the board, unless one of the following applies: (1) the grantee is granted a waiver by the board, or (2) the grantee pays back the moneys awarded including a 25 percent penalty.

16.5(5) Waiver criteria. The board may waive repayment of grant funds plus the 25 percent penalty. A grant recipient seeking a waiver during the time period in which a cost-share agreement is in effect shall submit a written waiver request to the board. The board will consider waiver requests under the following circumstances:

a. Permanent waiver.

(1) Waiver due to demonstration of good cause (no repayment and no 25 percent penalty). A grant recipient may request a permanent waiver during the time period in which a cost-share grant agreement is in effect if the grant recipient can demonstrate good cause for failure to continue using the approved renewable fuel. “Good cause” includes, but is not limited to, events such as the following:

1. Permanent business closure due to bankruptcy.
2. Permanent closure of underground or aboveground storage tanks.

(2) Waiver due to demonstration of financial hardship (repayment on a sliding scale and no 25 percent penalty). A grant recipient may seek a permanent waiver of exclusive use of the approved renewable fuel during the time period in which a cost-share agreement is in effect due to financial hardship. The grant recipient must demonstrate that continuing to dispense the renewable fuel at a project site will cause a financial hardship. A request for waiver due to financial hardship shall include documentation to show a “good faith” effort to market the fuel, specifically the most recent six-month history of gallons of approved renewable fuel sold by month, marketing/advertising efforts, retail price comparison of E-85 to E-10 (or regular gasoline) or of biodiesel to regular diesel. If a waiver is granted, the 25 percent penalty will not be assessed, but the grant funds shall be repaid as follows:

1. Three-year cost-share agreement: Months 1 through 11 of the cost-share agreement, 100 percent of grant amount. Months 12 through 36 of cost-share agreement, 4 percent of grant amount for each month remaining on the cost-share agreement.

2. Five-year cost-share agreement: Months 1 through 10 of the cost-share agreement, 100 percent of grant amount. Months 11 through 60 of the cost-share agreement, 2 percent of grant amount for each month remaining on the cost-share agreement.

b. Temporary waiver (temporary suspension of repayment and 25 percent penalty). A grant recipient may request a temporary suspension of the obligation to use only the approved renewable fuel and a temporary waiver of the repayment plus penalty requirement. A request for a temporary waiver, or an extension of a temporary waiver, will only be considered by the board if the recipient can document to the board’s satisfaction that market forces are not allowing for advantageous sales of the approved renewable fuel. A grant recipient shall submit documentation of the previous six-month sales history and marketing attempts to substantiate the grant recipient’s request for a temporary waiver. The following conditions apply to requests for a temporary waiver:

(1) A temporary waiver will not be granted during the first six months of a cost-share agreement.

(2) A temporary waiver will not shorten the grant recipient’s obligation to use the infrastructure to store and dispense the approved renewable fuel for a minimum of three years or five years. If the board approves a temporary waiver, the duration of the cost-share agreement will be extended by the length of the approved waiver period.

(3) A grant recipient may request a temporary waiver of up to six months. The board may approve one or more six-month waivers, provided the total cumulative time period allowed for temporary waivers shall not exceed two years.

(4) If a state executive order suspending the Iowa Renewable Fuel Standard (RFS) schedule is issued, the board may decide to grant a temporary waiver to all grant recipients. The board will establish the duration of the waiver and provide written notice to all grant recipients of the board’s action. When the board determines that a temporary waiver is necessary due to suspension of the Iowa RFS schedule, the three-year or five-year duration of the cost-share agreement will not be extended by the length of the temporary waiver.

[ARC 9584B, IAB 6/29/11, effective 7/1/11; ARC 9816B, IAB 11/2/11, effective 12/7/11]

These rules are intended to implement Iowa Code sections 15G.201, 15G.202 and 15G.205 as amended by 2011 Iowa Acts, Senate File 531, and Iowa Code sections 15G.203 and 15G.204.

[Filed Emergency ARC 9584B, IAB 6/29/11, effective 7/1/11]

[Filed ARC 9816B (Notice ARC 9583B, IAB 6/29/11), IAB 11/2/11, effective 12/7/11]
[Filed ARC 0139C (Notice ARC 0069C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

CHAPTER 23
DAIRY TRADE PRACTICES
[Appeared as ch 16, 1973 IDR]
[Prior to 7/27/88, see Agriculture Department 30—Ch 25]
Rescinded IAB 1/24/01, effective 2/28/01

CHAPTERS 24 to 35
Reserved

CHAPTER 36
EGG HANDLERS
[Prior to 5/30/12, see 481—Chapter 30]

21—36.1(196) Definitions.

“Capable of use as human food” means any egg or egg product, unless it is denatured or otherwise identified as required by federal regulation to deter its use as human food.

“Check” means an egg that has a broken shell or crack in the shell but has its membranes intact and contents not leaking.

“Department” means the department of agriculture and land stewardship.

“Dirty” means an egg that has a shell that is unbroken and has adhering dirt or foreign material, prominent stains or moderate stains covering more than 1/32 of the shell surface if localized or 1/16 of the shell surface if scattered.

“Egg handler” or *“handler”* means any person who engages in any business in commerce which involves buying or selling any eggs (as a poultry producer or otherwise), or processing any egg products, or otherwise using any eggs in the preparation of human food. An egg handler does not include a food establishment or home food establishment if either establishment obtains eggs from a licensed egg handler or supplier which meets standards referred to in rule 481—31.2(137F). Producers who sell eggs produced exclusively from their own flocks directly to egg handlers or to consumer customers are exempt from regulation as egg handlers.

“Inedible” means any egg of the following description: black rot, yellow rot, white rot, mixed rot (addled egg), sour egg, egg with a green white, egg with a stuck yolk, moldy egg, musty egg, egg showing a blood ring, and an egg containing any embryo chick (at or beyond the blood ring stage), and any egg that is adulterated as such term is defined pursuant to the federal Food, Drug and Cosmetic Act.

“Leaker” means an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell.

“License holder” means an individual, corporation, partnership, governmental unit, association or any other entity to whom a license was issued pursuant to Iowa Code chapter 196.

“Loss” means an egg that is unfit for human food because the egg is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or because it contains a bloody white, large meat spots, a large quantity of blood, or other foreign material.

“Official plant” means any establishment at which inspection of the processing of egg products is maintained by the department under the authority of Iowa Code chapter 196 or by the United States Department of Agriculture under the authority of the federal Egg Products Inspection Act.

“Restricted egg” means any check, dirty, incubator reject, inedible, leaker, or loss.
[ARC 0138C, IAB 5/30/12, effective 7/4/12]

21—36.2(196) Licensing. An egg handler’s license shall be obtained from the department for each location at which eggs will be candled and graded. In order to obtain an egg handler’s license, the applicant shall comply with the standards contained in Iowa Code chapter 196 and this chapter.

36.2(1) A license is not transferable. License fees are not refundable unless the license is surrendered to the department prior to the effective date of the license.

36.2(2) A license is valid for one year, is renewable, and expires on October 1.

36.2(3) A valid license and the most recent inspection report, along with any current complaint or reinspection reports, shall be posted no higher than eye level where the public can see them. For the purpose of this subrule, only founded complaint reports shall be considered a complaint. Founded complaints shall be posted until either the mail-in recheck form has been submitted to the regulatory authority or a recheck inspection has been conducted to verify that the violations have been corrected.

36.2(4) Any change in business ownership or business location requires a new license. Multiple locations operated simultaneously each require a separate license.

36.2(5) The regulatory authority may require documentation from a license holder.

36.2(6) A delinquent license shall only be renewed if it is renewed within 60 days of its expiration. If a delinquent license is not renewed within 60 days, an establishment must apply for a new license and

meet all the requirements for licensure. Establishments that have not renewed the license within 60 days of the expiration of the license shall be closed by the department or a contractor. The establishment shall not be reopened until a new license application has been submitted and approved.

36.2(7) License fees for egg handlers are based on the total number of cases of eggs purchased or handled during the month of April (Iowa Code section 196.3) and are charged as follows:

- a. For less than 125 cases—\$20.20;
- b. For 125 to 249 cases—\$47.25;
- c. For 250 to 999 cases—\$67.50;
- d. For 1,000 to 4,999 cases—\$135.00;
- e. For 5,000 to 9,999 cases—\$236.25;
- f. For 10,000 or more cases—\$337.50.

For the purpose of determining fees, each case shall be 30 dozen eggs.

36.2(8) The department shall charge a voluntary inspection fee of \$100 when a voluntary inspection is requested.

[ARC 0138C, IAB 5/30/12, effective 7/4/12]

21—36.3(196) Minimum sanitation and operating requirements.

36.3(1) Buildings shall be of sound construction so as to prevent the entrance or harboring of insects, rodents, or vermin. Floors shall be of washable materials and kept clean and floor drains provided where necessary. Walls and ceilings shall be of cleanable material and be kept clean and in good repair.

36.3(2) All areas and rooms in which eggs are handled, graded, and packed shall be kept reasonably clean during working hours and shall be thoroughly cleaned at the end of each operating day. Cartons and cases shall be stored off the floor and storage areas kept clean and dry.

36.3(3) Cooler rooms shall be free from objectionable odors, such as mustiness or a rotten odor, and shall be maintained in a clean, sanitary condition.

36.3(4) Egg cleaning equipment shall be kept in good repair and shall be thoroughly cleaned after each day's use or more often if necessary to maintain a sanitary condition. The wash water shall be potable and maintained at a temperature of 90°F minimum. The wash water temperature must be at least 20°F greater than the egg temperature. The wash water shall be replaced frequently, and the detergent and sanitizer shall be kept at an effective level at all times. During any rest period, or at any time when the equipment is not in operation, the eggs shall be removed from the washing and rinsing area of the egg washer and from the scanning area whenever there is a buildup of heat.

36.3(5) All eggs not cleaned as stated in subrule 36.3(4) must be properly washed and sanitized prior to placement in a carton or container for distribution in a site or operation that provides or prepares food for human consumption.

36.3(6) Facilities for hand washing, complete with hot and cold potable water under pressure, shall be provided. Hand soap, sanitary towels, or a hand-drying device providing heated air shall be conveniently located near the hand-washing area.

36.3(7) Live animals shall be excluded from the plant or portion of the plant in which shell eggs or egg products are handled or stored.

36.3(8) Only United States Department of Agriculture (USDA) or federally approved cleaning compounds and sanitizers may be used. The following substances used in the plant shall be approved and handled in accordance with the manufacturer's instructions: pesticides, insecticides, rodenticides, cleaning compounds, foam control compounds, sanitizers, and inks and oils coming into contact with the product. These products shall be properly stored and segregated.

36.3(9) A separate refuse room or a designated area for the accumulation of trash must be provided. There shall be a sufficient number of containers to hold trash, which must be maintained in good repair, kept covered when not in use, and cleaned at a frequency to prevent insect and rodent attraction.

36.3(10) Washed eggs must be reasonably dry before being placed in cartons or cases.

[ARC 0138C, IAB 5/30/12, effective 7/4/12]

21—36.4(196) Egg grading or candling area.

36.4(1) The egg grading or candling area shall be adequately darkened to make possible the accurate quality determination of the candled appearance of eggs.

36.4(2) Egg-weighing equipment shall be provided, constructed to permit easy cleaning, and capable of ready adjustment.

36.4(3) A candling device with adequate light and capable of accurate determination of Iowa grade standards in rule 21—36.13(196) shall be maintained in good working order.

[ARC 0138C, IAB 5/30/12, effective 7/4/12]

21—36.5(196) Water supply.

36.5(1) Adequate potable water shall be provided from a source constructed, maintained, and operated according to Iowa law.

36.5(2) Water from a private water system shall be sampled at least annually for coliform.

36.5(3) Records of water tests must be maintained by license holders not served by a public water system. These records must be available to the department upon request.

[ARC 0138C, IAB 5/30/12, effective 7/4/12]

21—36.6(196) Egg storage.

36.6(1) From the time of candling and grading until they reach the consumer, all eggs designated for human consumption shall be held at an ambient temperature not to exceed 45°F or 7°C. Each refrigerated unit shall be provided with an accurate numerically scaled indicating thermometer which is located at a place that is representative of the air temperature in the unit. This ambient temperature requirement applies to any place or room where eggs are stored, except in a vehicle during transportation.

36.6(2) Eggs in transport vehicles may be stored at an ambient temperature above 45°F or 7°C, provided the vehicle is equipped with refrigeration units capable of delivering air at that temperature and capable of cooling the vehicle to that temperature.

36.6(3) All shell eggs shall be kept from freezing.

[ARC 0138C, IAB 5/30/12, effective 7/4/12]

21—36.7(196) Eggs used in food preparation. Restaurants, institutional consumers, and food manufacturers shall receive and use only clean, sound shell eggs of Grade B quality or better. Dried, frozen, or liquid eggs may be bought only if such products are prepared and pasteurized in a plant under USDA continuous inspection.

[ARC 0138C, IAB 5/30/12, effective 7/4/12]

21—36.8(196) Labeling and packaging.

36.8(1) All cases of loose-packed eggs sold in this state shall identify:

- a. The egg handler's name or license number or USDA plant number; and
- b. The grade of eggs contained in the case.

36.8(2) Each carton containing eggs for retail sale in Iowa which have been candled and graded shall be marked with:

- a. The grade and size of the eggs contained;
- b. The date the eggs were packed; and
- c. The name and address of the distributor or packer.

36.8(3) Labeling shall be printed in letters not less than ¼ inch in height, or plainly and conspicuously stamped or marked in letters not less than ½ inch in height.

36.8(4) Eggs sold to retailers must be prepacked in new cartons.

36.8(5) No person shall use any label which is deceptive as to the true nature of the article or place of production, or which has been carelessly printed or marked, nor shall any person erase or deface any label required by this chapter.

[ARC 0138C, IAB 5/30/12, effective 7/4/12]

21—36.9(196) Restricted eggs.

36.9(1) No egg handler may possess and handle restricted eggs unless they are capable of use as human food, or destroyed, or identified and labeled for animal food.

36.9(2) Except for the producer exemption as provided in subrule 36.9(3), checks and dirties may be used for human food provided they are processed and pasteurized in an official plant.

36.9(3) Checks and dirties shall be sold directly or indirectly only to an official plant. However, a producer may sell checks and dirties on the producer's own premises where eggs are produced directly to household consumers for the personal use of the consumer and the consumer's nonpaying guests.

36.9(4) Producer-dealers, packers, handlers, distributors, or retailers shall not sell on or off the premises within the state any restricted eggs to any person, including consumers, institutional consumers or employees.

36.9(5) Restricted eggs shall not be given free to any person, including but not limited to institutional consumers, charitable organizations, or any employee whereby the restricted eggs may be used for human food.

36.9(6) Restricted eggs may be designated for animal food only when properly decharacterized or denatured to preclude their use in food for human consumption. Each container or receptacle shall be labeled "Restricted eggs, Not to be used as human food". However, restricted eggs which are not decharacterized or denatured may be moved from one USDA-licensed plant to another USDA-licensed plant.

36.9(7) Inedible and loss eggs must be denatured at the point and time of segregation. If the liquid is removed from the shells, approved denaturant must be placed in the receptacle provided before the liquid is added. If loss eggs are placed on filler-flats or in flats and fillers, or in any other manner, each layer of eggs must be denatured before another layer is started. However, inedible and loss eggs under USDA inspection and control shall be handled in accordance with USDA recommendations.

36.9(8) Checks and dirties must be conspicuously labeled at the point and time of segregation with a placard or other device. Full or partial master cases containing checks and dirties must be labeled before transfer to the cooler.

[ARC 0138C, IAB 5/30/12, effective 7/4/12]

21—36.10(196) Inspections and records. Egg handlers shall be inspected regularly. Egg handlers shall keep a record for each purchase and sale of eggs, including the date of the transaction, the names of the parties, the grade or nest run, and the quantity of eggs being purchased or sold. Records shall be maintained for three years and must be available to the department upon request.

[ARC 0138C, IAB 5/30/12, effective 7/4/12]

21—36.11(196) Enforcement. Violation of these rules or any provision of Iowa Code chapter 196 is a simple misdemeanor. The department may employ various remedies if violations are discovered including, but not limited to, revocation or suspension of a license.

[ARC 0138C, IAB 5/30/12, effective 7/4/12]

21—36.12(196) Health and hygiene of personnel.

36.12(1) No person known to be affected by a communicable or infectious disease shall be permitted to come in contact with the product.

36.12(2) Personnel engaged in egg handling operations shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during working periods. Personnel engaged in egg handling and warewashing operations shall thoroughly wash their hands and the exposed portion of their arms with soap or detergent and warm water before starting to work; after smoking, eating, or using the toilet; and as often as necessary during work to keep their hands and arms clean. Personnel shall keep their fingernails trimmed and clean.

36.12(3) Personnel shall wear clean outer clothing and effective hair restraints where necessary to prevent the contamination of the product.

[ARC 0138C, IAB 5/30/12, effective 7/4/12]

21—36.13(196) Iowa grades. The Iowa standards for consumer grades, quality, and weight classes for shell eggs are as follows:

IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

TABLE 1
IOWA SPECIFICATIONS

QUALITY FACTOR	AA QUALITY	A QUALITY	B QUALITY
Shell	Clean Unbroken Practically normal	Clean Unbroken Practically normal	Clean to slightly stained* Unbroken Abnormal
Air Cell	1/8 inch or less in depth Unlimited movement and free or bubbly	3/16 inch or less in depth Unlimited movement and free or bubbly	Over 3/16 inch in depth Unlimited movement and free or bubbly
White	Clear Firm	Clear Reasonably firm	Weak and watery Small blood and meatspots present**
Yolk	Outline slightly defined Practically free from defects	Outline fairly well defined Practically free from defects	Outline plainly visible Enlarged and flattened Clearly visible germ development but no blood Other serious defects
<p>* Moderately stained areas permitted (1/32 of surface if localized, or 1/16 if scattered).</p> <p>** If they are small (aggregating not more than 1/8 inch in diameter).</p> <p>For eggs with dirty or broken shells, the standards of quality provide two additional qualities. These are:</p>			
Dirty		Check	
Unbroken Adhering dirt or foreign material, prominent stains, moderate stained areas in excess of B quality		Broken or cracked shell but membranes intact, not leaking***	
*** Leaker has broken or cracked shell and membranes and contents leaking or free to leak.			

IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

TABLE 2
SUMMARY OF IOWA CONSUMER GRADES FOR SHELL EGGS

U.S. CONSUMER GRADE (ORIGIN)	QUALITY REQUIRED ¹	TOLERANCE PERMITTED ²	
		Percent	Quality
Grade AA	87 percent AA	Up to 13 Not over 5 checks ⁶	A or B ⁵
Grade A	87 percent A or better	Up to 13 Not over 5 checks ⁶	B ⁵
Grade B	90 percent B or better	Not over 10 checks	

U.S. CONSUMER GRADE (DESTINATION)	QUALITY REQUIRED ¹	TOLERANCE PERMITTED ³	
		Percent	Quality
Grade AA	72 percent AA	Up to 28 ⁴ Not over 7 checks ⁶	A or B ⁵
Grade A	82 percent A or better	Up to 18 Not over 7 checks ⁶	B ⁵
Grade B	90 percent B or better	Not over 10 checks	

¹ In lots of two or more cases, see Table 3 of this rule for tolerances for an individual case within a lot.

² For the U.S. Consumer Grades (at origin), a tolerance of 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination is permitted, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

³ For the U.S. Consumer Grades (destination), a tolerance of 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination is permitted, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

⁴ For U.S. Grade AA at destination, at least 10 percent must be A quality or better.

⁵ For U.S. Grade AA and A at origin and destination within the tolerances permitted for B quality, not more than 1 percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects.

⁶ For U.S. Grades AA and A jumbo size eggs, the tolerance for checks at origin and destination is 7 percent and 9 percent, respectively.

IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

TABLE 3
TOLERANCE FOR INDIVIDUAL CASE WITHIN A LOT

U.S. CONSUMER GRADE	CASE QUALITY	ORIGIN (Percent)	DESTINATION (Percent)
Grade AA	AA (Minimum)	77	62
	A or B	13	28
	Checks (Maximum)	10	10
Grade A	A (Minimum)	77	72
	B	13	18
	Checks (Maximum)	10	10
Grade B	B (Minimum)	80	80
	Checks (Maximum)	20	20

NOTE: Substitution of higher qualities for lower qualities is permitted.

TABLE 4
IOWA WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS

SIZE OR WEIGHT CLASS	MINIMUM NET WEIGHT PER DOZEN	MINIMUM NET WEIGHT PER 30 DOZEN	MINIMUM WEIGHT FOR INDIVIDUAL EGGS AT RATE PER DOZEN
	<i>OUNCES</i>	<i>POUNDS</i>	<i>OUNCES</i>
Jumbo	30	56	29
Extra Large	27	50½	26
Large	24	45	23
Medium	21	39½	20
Small	18	34	17
Peewee	15	28	—

These rules are intended to implement Iowa Code chapter 196 as amended by 2011 Iowa Acts, House File 453.

[ARC 0138C, IAB 5/30/12, effective 7/4/12]

[Filed ARC 0138C (Notice ARC 0078C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

CHAPTERS 37 to 39
Reserved

INSURANCE DIVISION[191]

[Prior to 10/22/86, see Insurance Department[510], renamed Insurance Division[191] under the “umbrella” of Department of Commerce by the 1986 Iowa Acts, Senate File 2175]

*ORGANIZATION AND PROCEDURES***CHAPTER 1****ORGANIZATION OF DIVISION**

- 1.1(502,505) Organization
- 1.2(502,505) Location and contact information
- 1.3(22,502,505) Public information and inspection of records
- 1.4(505) Service of process

CHAPTER 2**DECLARATORY ORDERS**

- 2.1(17A) Petition for declaratory order
- 2.2(17A) Notice of petition
- 2.3(17A) Intervention
- 2.4(17A) Briefs
- 2.5(17A) Inquiries
- 2.6(17A) Service and filing of petitions and other papers
- 2.7(17A) Consideration
- 2.8(17A) Action on petition
- 2.9(17A) Refusal to issue order
- 2.10(17A) Contents of declaratory order—effective date
- 2.11(17A) Copies of orders
- 2.12(17A) Effect of a declaratory order

CHAPTER 3**CONTESTED CASES**

- 3.1(17A) Scope and applicability
- 3.2(17A) Definitions
- 3.3(17A) Time requirements
- 3.4(17A) Requests for contested case proceeding
- 3.5(17A) Commencement of hearing; notice
- 3.6(17A) Presiding officer
- 3.7(17A) Waiver of procedures
- 3.8(17A) Telephone proceedings
- 3.9(17A) Disqualification
- 3.10(17A) Consolidation—severance
- 3.11(17A) Pleadings
- 3.12(17A) Service and filing of pleadings and other papers
- 3.13(17A) Discovery
- 3.14(17A) Subpoenas
- 3.15(17A) Motions
- 3.16(17A) Prehearing conference
- 3.17(17A) Continuances
- 3.18(17A) Withdrawals
- 3.19(17A) Intervention
- 3.20(17A) Hearing procedures
- 3.21(17A) Evidence
- 3.22(17A) Default
- 3.23(17A) Ex parte communication
- 3.24(17A) Recording costs

3.25(17A)	Interlocutory appeals
3.26(17A)	Final decision
3.27(17A)	Appeals and review
3.28(17A)	Applications for rehearing
3.29(17A)	Stay of agency action
3.30(17A)	No factual dispute contested cases
3.31(17A)	Emergency adjudicative proceedings
3.32(502,505,507B)	Summary cease and desist orders
3.33(17A,502,505)	Informal settlement
3.34(17A,502,505)	Witness fees

CHAPTER 4

AGENCY PROCEDURE FOR RULE MAKING AND WAIVER OF RULES

DIVISION I

AGENCY PROCEDURE FOR RULE MAKING

4.1(17A)	Applicability
4.2(17A)	Advice on possible rules before notice of proposed rule adoption
4.3(17A)	Public rule-making docket
4.4(17A)	Notice of proposed rule making
4.5(17A)	Public participation
4.6(17A)	Regulatory analysis
4.7(17A,25B)	Fiscal impact statement
4.8(17A)	Time and manner of rule adoption
4.9(17A)	Variance between adopted rule and rule proposed in Notice of Intended Action
4.10(17A)	Exemptions from public rule-making procedures
4.11(17A)	Concise statement of reasons
4.12(17A)	Contents, style, and form of rule
4.13(17A)	Agency rule-making record
4.14(17A)	Filing of rules
4.15(17A)	Effectiveness of rules prior to publication
4.16(17A)	General statements of policy
4.17(17A)	Review of rules by division
4.18(17A)	Petition for rule making
4.19 and 4.20	Reserved

DIVISION II

WAIVER AND VARIANCE RULES

4.21(17A)	Definition
4.22(17A)	Scope
4.23(17A)	Applicability of Division II of Chapter 4
4.24(17A)	Criteria for waiver or variance
4.25(17A)	Filing of petition
4.26(17A)	Content of petition
4.27(17A)	Additional information
4.28(17A)	Notice
4.29(17A)	Hearing procedures
4.30(17A)	Ruling
4.31(17A)	Public availability
4.32(17A)	Summary reports
4.33(17A)	Cancellation of a waiver
4.34(17A)	Violations
4.35(17A)	Defense
4.36(17A)	Judicial review

REGULATION OF INSURERS

CHAPTER 5

REGULATION OF INSURERS—GENERAL PROVISIONS

- 5.1(507) Examination reports
- 5.2(505,507) Examination for admission
- 5.3(507,508,515) Submission of quarterly financial information
- 5.4(505,508,515,520) Surplus notes
- 5.5(505,515,520) Maximum allowable premium volume
- 5.6(505,515,520) Treatment of various items on the financial statement
- 5.7(505) Ordering withdrawal of domestic insurers from states
- 5.8(505) Monitoring
- 5.9(505) Rate and form filings
- 5.10(511) Life companies—permissible investments
- 5.11(511) Investment of funds
- 5.12(515) Collateral loans
- 5.13(508,515) Loans to officers, directors, employees, etc.
- 5.14 Reserved
- 5.15(508,512B,514,514B,515,520) Accounting practices and procedures manual and annual statement instructions
- 5.16 to 5.19 Reserved
- 5.20(508) Computation of reserves

UNEARNED PREMIUM RESERVES ON MORTGAGE GUARANTY INSURANCE POLICIES

- 5.21(515C) Unearned premium reserve factors
- 5.22(515C) Contingency reserve
- 5.23(507C) Standards
- 5.24(507C) Commissioner's authority
- 5.25 Reserved
- 5.26(508,515) Participation in the NAIC Insurance Regulatory Information System
- 5.27(508,515,520) Asset valuation
- 5.28(508,515,520) Risk-based capital and surplus
- 5.29(508,515) Actuarial certification of reserves
- 5.30(515) Single maximum risk—fidelity and surety risks
- 5.31(515) Reinsurance contracts
- 5.32(511,515) Investments in medium grade and lower grade obligations
- 5.33(510) Credit for reinsurance
- 5.34(508) Actuarial opinion and memorandum
- 5.35 to 5.39 Reserved
- 5.40(515) Premium tax
- 5.41(508) Tax on gross premiums—life companies
- 5.42(432) Cash refund of premium tax
- 5.43(510) Managing general agents

DISCLOSURE OF MORTGAGE LOAN APPLICATIONS

- 5.44 to 5.49 Reserved
- 5.50(535A) Purpose
- 5.51(535A) Definitions
- 5.52(535A) Filing of reports
- 5.53(535A) Form and content of reports
- 5.54(535A) Additional information required
- 5.55(535A) Written complaints

CHAPTER 6

ORGANIZATION OF DOMESTIC INSURANCE COMPANIES

- 6.1(506) Definitions
- 6.2(506) Promoters contributions
- 6.3(506) Escrow
- 6.4(506) Alienation
- 6.5(506) Sales to promoters
- 6.6(506) Options
- 6.7(506) Qualifications of management
- 6.8(506) Chief executive
- 6.9(506) Directors

CHAPTER 7

DOMESTIC STOCK INSURERS PROXIES

PROXY REGULATIONS

- 7.1(523) Application of regulation
- 7.2(523) Proxies, consents and authorizations
- 7.3(523) Disclosure of equivalent information
- 7.4(523) Definitions
- 7.5(523) Information to be furnished to stockholders
- 7.6(523) Requirements as to proxy
- 7.7(523) Material required to be filed
- 7.8(523) False or misleading statements
- 7.9(523) Prohibition of certain solicitations
- 7.10(523) Special provisions applicable to election contests

SCHEDULE A

INFORMATION REQUIRED IN PROXY STATEMENT

SCHEDULE B

INFORMATION TO BE INCLUDED IN STATEMENTS FILED BY OR ON BEHALF
OF A PARTICIPANT (OTHER THAN THE INSURER) IN A PROXY SOLICITATION
IN AN ELECTION CONTEST
POLICYHOLDER PROXY SOLICITATION

- 7.11(523) Application
- 7.12(523) Conditions—revocation
- 7.13(523) Filing proxy
- 7.14(523) Solicitation by agents—use of funds
- 7.15 to 7.19 Reserved

STOCK TRANSACTION REPORTING

- 7.20(523) Statement of changes of beneficial ownership of securities

CHAPTER 8

BENEVOLENT ASSOCIATIONS

- 8.1 and 8.2 Reserved
- 8.3(512A) Organization
- 8.4(512A) Membership
- 8.5(512A) Fees, dues and assessments
- 8.6(512A) Reserve fund
- 8.7(512A) Certificates
- 8.8(512A) Beneficiaries
- 8.9(512A) Mergers
- 8.10(512A) Directors and officers
- 8.11(512A) Stockholders
- 8.12(512A) Bookkeeping and accounts

CHAPTER 9

Reserved

INSURANCE PRODUCERS

CHAPTER 10

LICENSING OF INSURANCE PRODUCERS

DIVISION I

LICENSING OF INSURANCE PRODUCERS

10.1(522B)	Purpose and authority
10.2(522B)	Definitions
10.3(522B)	Requirement to hold a license
10.4(522B)	Licensing of resident producers
10.5(522B)	Licensing of nonresident producers
10.6(522B)	Issuance of license
10.7(522B)	License lines of authority
10.8(522B)	License renewal
10.9(522B)	License reinstatement
10.10(522B)	Reinstatement or reissuance of a license after suspension, revocation or forfeiture in connection with disciplinary matters; and forfeiture in lieu of compliance
10.11(522B)	Temporary licenses
10.12(522B)	Change in name, address or state of residence
10.13(522B)	Reporting of actions
10.14(522B)	Commissions and referral fees
10.15(522B)	Appointments
10.16(522B)	Appointment renewal
10.17(522B)	Appointment terminations
10.18(522B)	Licensing of a business entity
10.19(522B)	Use of senior-specific certifications and professional designations in the sale of life insurance and annuities
10.20(522B)	Violations and penalties
10.21(522J)	Suspension for failure to pay child support
10.22(261)	Suspension for failure to pay student loan
10.23(82GA,SF2428)	Suspension for failure to pay state debt
10.24(522B)	Administration of examinations
10.25(522B)	Forms
10.26(522B)	Fees
10.27 to 10.50	Reserved

DIVISION II

LICENSING OF CAR RENTAL COMPANIES AND EMPLOYEES

10.51(522A)	Purpose
10.52(522A)	Definitions
10.53(522A)	Requirement to hold a license
10.54(522A)	Limited licensee application process
10.55(522A)	Counter employee licenses
10.56(522A)	Duties of limited licensees
10.57(522A)	License renewal
10.58(522A)	Limitation on fees
10.59(522A)	Change in name or address
10.60(522A)	Violations and penalties

CHAPTER 11 CONTINUING EDUCATION FOR INSURANCE PRODUCERS

- 11.1(505,522B) Statutory authority—purpose—applicability
- 11.2(505,522B) Definitions
- 11.3(505,522B) Continuing education requirements for producers
- 11.4(505,522B) Proof of completion of continuing education requirements
- 11.5(505,522B) Course approval
- 11.6(505,522B) Topic guidelines
- 11.7(505,522B) CE course renewal
- 11.8(505,522B) Appeals
- 11.9(505,522B) CE provider approval
- 11.10(505,522B) CE provider's responsibilities
- 11.11(505,522B) Prohibited conduct—CE providers
- 11.12(505,522B) Outside vendor
- 11.13(505,522B) CE course audits
- 11.14(505,522B) Fees and costs

CHAPTER 12 PORT OF ENTRY REQUIREMENTS

- 12.1(508,515) Purpose
- 12.2(508,515) Trust and other admission requirements
- 12.3(508,515) Examination and preferred supervision
- 12.4(508,515) Surplus required
- 12.5(508,515) Investments

CHAPTER 13 CONSENT FOR PROHIBITED PERSONS TO ENGAGE IN THE BUSINESS OF INSURANCE

- 13.1(505,522B) Purpose and authority
- 13.2(505,522B) Definitions
- 13.3(505,522B) Requirement for prohibited persons to obtain consent
- 13.4(505,522B) Applications for consent
- 13.5(505,522B) Consideration of applications for consent
- 13.6(505,522B) Review of application by the division
- 13.7(505,522B) Consent effective for specified positions and responsibilities only
- 13.8(505,522B) Change in circumstances
- 13.9(505,522B) Burden of proof
- 13.10(505,522B) Violations and penalties

UNFAIR TRADE PRACTICES

CHAPTER 14 LIFE INSURANCE ILLUSTRATIONS MODEL REGULATION

- 14.1(507B) Purpose
- 14.2(507B) Authority
- 14.3(507B) Applicability and scope
- 14.4(507B) Definitions
- 14.5(507B) Policies to be illustrated
- 14.6(507B) General rules and prohibitions
- 14.7(507B) Standards for basic illustrations
- 14.8(507B) Standards for supplemental illustrations
- 14.9(507B) Delivery of illustration and record retention

14.10(507B)	Annual report; notice to policyowners
14.11(507B)	Annual certifications
14.12(507B)	Penalties
14.13(507B)	Separability
14.14(507B)	Effective date

CHAPTER 15 UNFAIR TRADE PRACTICES

DIVISION I SALES PRACTICES

15.1(507B)	Purpose
15.2(507B)	Definitions
15.3(507B)	Advertising
15.4(507B)	Life insurance cost and benefit disclosure requirements
15.5(507B)	Health insurance sales to individuals 65 years of age or older
15.6(507B)	Preneed funeral contracts or prearrangements
15.7(507B)	Twisting prohibited
15.8(507B)	Producer responsibilities
15.9(507B)	Right to return a life insurance policy or annuity (free look)
15.10(507B)	Uninsured/underinsured automobile coverage—notice required
15.11(507B)	Unfair discrimination
15.12(507B)	Testing restrictions of insurance applications for the human immunodeficiency virus
15.13(507B)	Records maintenance
15.14(505,507B)	Enforcement section—cease and desist and penalty orders
15.15 to 15.30	Reserved

DIVISION II CLAIMS

15.31(507B)	General claims settlement guidelines
15.32(507B)	Prompt payment of certain health claims
15.33(507B)	Audit procedures for medical claims
15.34 to 15.40	Reserved
15.41(507B)	Claims settlement guidelines for property and casualty insurance
15.42(507B)	Acknowledgment of communications by property and casualty insurers
15.43(507B)	Standards for settlement of automobile insurance claims
15.44(507B)	Standards for determining replacement cost and actual cost values
15.45(507B)	Guidelines for use of aftermarket crash parts in motor vehicles
15.46 to 15.50	Reserved

DIVISION III DISCLOSURE FOR SMALL FACE AMOUNT LIFE INSURANCE POLICIES

15.51(507B)	Purpose
15.52(507B)	Definition
15.53(507B)	Exemptions
15.54(507B)	Disclosure requirements
15.55(507B)	Insurer duties
15.56 to 15.60	Reserved

DIVISION IV ANNUITY DISCLOSURE REQUIREMENTS

15.61(507B)	Purpose
15.62(507B)	Applicability and scope
15.63(507B)	Definitions
15.64(507B)	Standards for the disclosure document and Buyer's Guide

15.65(507B)	Content of disclosure documents
15.66(507B)	Standards for annuity illustrations
15.67(507B)	Report to contract owners
15.68(507B)	Penalties
15.69(507B)	Severability
15.70 and 15.71	Reserved

DIVISION V
SUITABILITY IN ANNUITY TRANSACTIONS

15.72(507B)	Purpose
15.73(507B)	Applicability and scope
15.74(507B)	Definitions
15.75(507B)	Duties of insurers and of insurance producers
15.76(507B)	Insurance producer training
15.77(507B)	Compliance; mitigation; penalties
15.78(507B)	Record keeping
15.79	Reserved

DIVISION VI
INDEXED PRODUCTS TRAINING REQUIREMENT

15.80(507B,522B)	Purpose
15.81(507B,522B)	Definitions
15.82(507B,522B)	Special training required
15.83(507B,522B)	Conduct of training course
15.84(507B,522B)	Insurer duties
15.85(507B,522B)	Verification of training
15.86(507B,522B)	Penalties
15.87(507B,522B)	Compliance date

CHAPTER 16
REPLACEMENT OF LIFE INSURANCE AND ANNUITIES

DIVISION I

16.1 to 16.20	Reserved
---------------	----------

DIVISION II

16.21(507B)	Purpose
16.22(507B)	Definitions
16.23(507B)	Exemptions
16.24(507B)	Duties of producers
16.25(507B)	Duties of all insurers that use producers on or after January 1, 2001
16.26(507B)	Duties of replacing insurers that use producers
16.27(507B)	Duties of the existing insurer
16.28(507B)	Duties of insurers with respect to direct-response solicitations
16.29(507B)	Violations and penalties
16.30(507B)	Severability

CHAPTER 17
LIFE AND HEALTH REINSURANCE AGREEMENTS

17.1(508)	Authority and purpose
17.2(508)	Scope
17.3(508)	Accounting requirements
17.4(508)	Written agreements
17.5(508)	Existing agreements

CHAPTER 18 CEMETERIES

- 18.1(523I,566A) Perpetual care cemeteries
- 18.2(523I,566A) Administration
- 18.3(523I,566A) Public access to hearings
- 18.4 Reserved
- 18.5(523I,566A) Forms—content
- 18.6(523I,566A) Annual report by perpetual care cemeteries
- 18.7(523I,566A) Annual reports and perpetual care cemetery permits

CHAPTER 19 Reserved

PROPERTY AND CASUALTY INSURANCE

CHAPTER 20 PROPERTY AND CASUALTY INSURANCE

DIVISION I FORM AND RATE REQUIREMENTS

- 20.1(505,509,514A,515,515A,515F) General filing requirements
- 20.2(505) Objection to filing
- 20.3 Reserved
- 20.4(505,509,514A,515,515A,515F) Policy form filing
- 20.5(515A) Rate or manual rule filing
- 20.6(515A) Exemption from filing requirement
- 20.7 Reserved
- 20.8(515A) Rate filings for crop-hail insurance
- 20.9 and 20.10 Reserved
- 20.11(515) Exemption from form and rate filing requirements
- 20.12 to 20.40 Reserved

DIVISION II IOWA FAIR PLAN ACT

- 20.41(515,515F) Purpose
- 20.42(515,515F) Scope
- 20.43(515,515F) Definitions
- 20.44(515,515F) Eligible risks
- 20.45(515,515F) Membership
- 20.46(515,515F) Administration
- 20.47(515,515F) Duties of the governing committee
- 20.48(515,515F) Annual and special meetings
- 20.49(515,515F) Application for insurance
- 20.50(515,515F) Inspection procedure
- 20.51(515,515F) Procedure after inspection and receipt of application
- 20.52(515,515F) Reasonable underwriting standards for property coverage
- 20.53(515,515F) Reasonable underwriting standards for liability coverage
- 20.54(515,515F) Cancellation; nonrenewal and limitations; review of eligibility
- 20.55(515,515F) Assessments
- 20.56(515,515F) Commission
- 20.57(515,515F) Public education
- 20.58(515,515F) Cooperation and authority of producers
- 20.59(515,515F) Review by commissioner
- 20.60(515,515F) Indemnification
- 20.61 to 20.69 Reserved

DIVISION III
CERTIFICATES OF INSURANCE FOR COMMERCIAL LENDING TRANSACTIONS

- 20.70(515) Purpose
- 20.71(515) Definitions
- 20.72(515) Evidence of insurance

CHAPTER 21
REQUIREMENTS FOR EXCESS AND SURPLUS LINES,
RISK RETENTION GROUPS AND PURCHASING GROUPS

- 21.1(515) Definitions
- 21.2(515) Qualified surplus lines carriers' duties
- 21.3(515) Producers' duties
- 21.4(515) Producers' duty to insured; evidence of coverage
- 21.5(515) Procedures for qualification and renewal of a nonadmitted insurer as a qualified surplus lines carrier
- 21.6(515E) Risk retention groups
- 21.7(515E) Procedures for qualification as a risk retention group
- 21.8(515E) Procedures for qualification as a purchasing group
- 21.9(515,515E) Failure to comply; penalties

CHAPTER 22
FINANCIAL GUARANTY INSURANCE

- 22.1(515C) Definitions
- 22.2(515) Financial requirements and reserves

CHAPTER 23
MOTOR VEHICLE SERVICE CONTRACTS

- 23.1(516E) Purpose
- 23.2(516E) Applicability and scope
- 23.3(516E) Application of insurance laws
- 23.4(516E) Administration
- 23.5(516E) Public access to hearings
- 23.6(516E) Public access to records
- 23.7(516E) Filing procedures
- 23.8(516E) Fees
- 23.9(516E) Forms
- 23.10(516E) Prohibited acts—unfair discrimination or trade practices
- 23.11(516E) Prohibited acts—unfair or deceptive trade practices involving used or rebuilt parts
- 23.12(516E) Violations
- 23.13(516E) Procedures for public complaints

CHAPTER 24
IOWA RETIREMENT FACILITIES

- 24.1(523D) Purpose
- 24.2(523D) Title
- 24.3(523D) Definitions
- 24.4(523D) Administration
- 24.5(523D) Misrepresentations
- 24.6(523D) Complaints
- 24.7(523D) Address for filings
- 24.8(523D) Fees
- 24.9(523D) Forms
- 24.10(523D) Financial statements, studies, and forecasts

- 24.11(523D) Amendments to the disclosure statement
- 24.12(523D) Standards for the disclosure statement

CHAPTER 25 MILITARY SALES PRACTICES

- 25.1(505) Purpose and authority
- 25.2(505) Scope
- 25.3(505) Exemptions
- 25.4(505) Definitions
- 25.5(505) Practices declared false, misleading, deceptive or unfair on a military installation
- 25.6(505) Practices declared false, misleading, deceptive or unfair regardless of location
- 25.7(505) Reporting requirements
- 25.8(505) Violation and penalties
- 25.9(505) Severability

CHAPTER 26 Reserved

CHAPTER 27 PREFERRED PROVIDER ARRANGEMENTS

- 27.1(514F) Purpose
- 27.2(514F) Definitions
- 27.3(514F) Preferred provider arrangements
- 27.4(514F) Health benefit plans
- 27.5(514F) Preferred provider participation requirements
- 27.6(514F) General requirements
- 27.7(514F) Civil penalties
- 27.8(514F) Health care insurer requirements

CHAPTER 28 CREDIT LIFE AND CREDIT ACCIDENT AND HEALTH INSURANCE

- 28.1(509) Purpose
- 28.2(509) Definitions
- 28.3(509) Rights and treatment of debtors
- 28.4(509) Policy forms and related material
- 28.5(509) Determination of reasonableness of benefits in relation to premium charge
- 28.6 Reserved
- 28.7(509) Credit life insurance rates
- 28.8(509) Credit accident and health insurance
- 28.9(509) Refund formulas
- 28.10(509) Experience reports and adjustment of prima facie rates
- 28.11(509) Use of rates—direct business only
- 28.12(509) Supervision of credit insurance operations
- 28.13(509) Prohibited transactions
- 28.14(509) Disclosure and readability
- 28.15(509) Severability
- 28.16(509) Effective date
- 28.17(509) Fifteen-day free examination

CHAPTER 29
CONTINUATION RIGHTS UNDER GROUP ACCIDENT
AND HEALTH INSURANCE POLICIES

- 29.1(509B) Definitions
- 29.2(509B) Notice regarding continuation rights
- 29.3(509B) Qualifying events for continuation rights
- 29.4(509B) Interplay between chapter 509B and COBRA
- 29.5(509B) Effective date for compliance

LIFE AND HEALTH INSURANCE

CHAPTER 30
LIFE INSURANCE POLICIES

- 30.1(508) Purpose
- 30.2(508) Scope
- 30.3(508) Definitions
- 30.4(508) Prohibitions, regulations and disclosure requirements
- 30.5(508) General filing requirements
- 30.6(508) Back dating of life policies
- 30.7(508,515) Expiration date of policy vs. charter expiration date
- 30.8(509) Electronic delivery of group life insurance certificates

CHAPTER 31
LIFE INSURANCE COMPANIES—VARIABLE ANNUITIES CONTRACTS

- 31.1(508) Definitions
- 31.2(508) Insurance company qualifications
- 31.3(508) Filing, policy forms and provision
- 31.4(508) Separate account or accounts and investments
- 31.5(508) Required reports
- 31.6(508) Producers
- 31.7(508) Foreign companies

CHAPTER 32
DEPOSITS BY A DOMESTIC LIFE COMPANY IN A
CUSTODIAN BANK OR CLEARING CORPORATION

- 32.1(508) Purpose
- 32.2(508) Definitions
- 32.3(508) Requirements upon custodial account and custodial agreement
- 32.4(508) Requirements upon custodians
- 32.5(508,511) Deposit of securities

CHAPTER 33
VARIABLE LIFE INSURANCE MODEL REGULATION

- 33.1(508A) Authority
- 33.2(508A) Definitions
- 33.3(508A) Qualification of insurer to issue variable life insurance
- 33.4(508A) Insurance policy requirements
- 33.5(508A) Reserve liabilities for variable life insurance
- 33.6(508A) Separate accounts
- 33.7(508A) Information furnished to applicants
- 33.8(508A) Applications
- 33.9(508A) Reports to policyholders
- 33.10(508A) Foreign companies

- 33.11 Reserved
- 33.12(508A) Separability article

CHAPTER 34

NONPROFIT HEALTH SERVICE CORPORATIONS

- 34.1(514) Purpose
- 34.2(514) Definitions
- 34.3(514) Annual report requirements
- 34.4(514) Arbitration
- 34.5(514) Filing requirements
- 34.6(514) Participating hospital contracts
- 34.7(514) Composition, nomination, and election of board of directors

CHAPTER 35

ACCIDENT AND HEALTH INSURANCE

BLANKET ACCIDENT AND SICKNESS INSURANCE

- 35.1(509) Purpose
- 35.2(509) Scope
- 35.3(509) Definitions
- 35.4(509) Required provisions
- 35.5(509) Application and certificates not required
- 35.6(509) Facility of payment
- 35.7(509) General filing requirements
- 35.8(509) Electronic delivery of accident and health group insurance certificates
- 35.9 to 35.19 Reserved
- 35.20(509A) Life and health self-funded plans
- 35.21(509) Review of certificates issued under group policies

LARGE GROUP HEALTH INSURANCE COVERAGE

- 35.22(509) Purpose
- 35.23(509) Definitions
- 35.24(509) Eligibility to enroll
- 35.25(509) Special enrollments
- 35.26(509) Group health insurance coverage policy requirements
- 35.27(509) Methods of counting creditable coverage
- 35.28(509) Certificates of creditable coverage
- 35.29(509) Notification requirements
- 35.30 Reserved
- 35.31(509) Disclosure requirements
- 35.32(514C) Treatment options
- 35.33(514C) Emergency services
- 35.34(514C) Provider access
- 35.35(509) Reconstructive surgery

CONSUMER GUIDE

- 35.36(514K) Purpose
- 35.37(514K) Information filing requirements
- 35.38(514K) Limitation of information published
- 35.39(514C) Contraceptive coverage
- 35.40(514C) Autism spectrum disorders coverage

CHAPTER 36
INDIVIDUAL ACCIDENT AND HEALTH—MINIMUM
STANDARDS AND RATE HEARINGS

DIVISION I
MINIMUM STANDARDS

36.1(514D)	Purpose
36.2(514D)	Applicability and scope
36.3(514D)	Effective date
36.4(514D)	Policy definitions
36.5(514D)	Prohibited policy provisions
36.6(514D)	Accident and sickness minimum standards for benefits
36.7(514D)	Required disclosure provisions
36.8(507B)	Requirements for replacement
36.9(514D)	Filing requirements
36.10(514D)	Loss ratios
36.11(514D)	Certification
36.12(514D)	Severability
36.13(513C,514D)	Individual health insurance coverage for children under the age of 19
36.14 to 36.19	Reserved

DIVISION II
RATE HEARINGS

36.20(514D,83GA,SF2201)	Rate hearings
-------------------------	---------------

CHAPTER 37
MEDICARE SUPPLEMENT INSURANCE

DIVISION I
MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS

37.1(514D)	Purpose
37.2(514D)	Applicability and scope
37.3(514D)	Definitions
37.4(514D)	Policy definitions and terms
37.5(514D)	Policy provisions
37.6(514D)	Minimum benefit standards for prestandardized Medicare supplement benefit plan policies or certificates issued for delivery prior to January 1, 1992
37.7(514D)	Benefit standards for 1990 standardized Medicare supplement benefit plan policies or certificates issued for delivery on or after January 1, 1992, and with an effective date for coverage prior to June 1, 2010
37.8(514D)	Benefit standards for 2010 standardized Medicare supplement benefit plan policies or certificates issued for delivery with an effective date for coverage on or after June 1, 2010
37.9(514D)	Standard Medicare supplement benefit plans for 1990 standardized Medicare supplement benefit plan policies or certificates with an effective date for coverage prior to June 1, 2010
37.10(514D)	Standard Medicare supplement benefit plans for 2010 standardized Medicare supplement benefit plan policies or certificates with an effective date for coverage on or after June 1, 2010
37.11(514D)	Medicare Select policies and certificates
37.12(514D)	Open enrollment
37.13(514D)	Standards for claims payment
37.14(514D)	Loss ratio standards and refund or credit of premium
37.15(514D)	Filing and approval of policies and certificates and premium rates
37.16(514D)	Permitted compensation arrangements

37.17(514D)	Required disclosure provisions
37.18(514D)	Requirements for application forms and replacement coverage
37.19(514D)	Standards for marketing
37.20(514D)	Appropriateness of recommended purchase and excessive insurance
37.21(514D)	Reporting of multiple policies
37.22(514D)	Prohibition against preexisting conditions, waiting periods, elimination periods and probationary periods in replacement policies or certificates
37.23(514D)	Prohibition against use of genetic information and requests for genetic testing
37.24(514D)	Prohibition against using SHIP prepared materials
37.25(514D)	Guaranteed issue for eligible persons
37.26(514D)	Severability
37.27 to 37.49	Reserved

DIVISION II
MEDICARE SUPPLEMENT ADVERTISING

37.50(507B,514D)	Purpose
37.51(507B,514D)	Applicability
37.52(507B,514D)	Definitions
37.53(507B,514D)	Form and content of advertisements
37.54(507B,514D)	Testimonials or endorsements by third parties
37.55(507B,514D)	Use of statistics; jurisdictional licensing; status of insurer
37.56(507B,514D)	Identity of insurer
37.57(507B,514D)	Introductory, initial or special offers
37.58(507B,514D)	Enforcement procedures—certificate of compliance
37.59(507B,514D)	Filing for prior review

CHAPTER 38
COORDINATION OF BENEFITS

DIVISION I

38.1 to 38.11	Reserved
---------------	----------

DIVISION II

38.12(509,514)	Purpose and applicability
38.13(509,514)	Definitions
38.14(509,514)	Use of model COB contract provision
38.15(509,514)	Rules for coordination of benefits
38.16(509,514)	Procedure to be followed by secondary plan to calculate benefits and pay a claim
38.17(509,514)	Notice to covered persons
38.18(509,514)	Miscellaneous provisions

CHAPTER 39
LONG-TERM CARE INSURANCE

DIVISION I

39.1(514G)	Purpose
39.2(514G)	Authority
39.3(514G)	Applicability and scope
39.4(514G)	Definitions
39.5(514G)	Policy definitions
39.6(514G)	Policy practices and provisions
39.7(514G)	Required disclosure provisions
39.8(514G)	Prohibition against postclaims underwriting
39.9(514D,514G)	Minimum standards for home health care benefits in long-term care insurance policies

39.10(514D,514G)	Requirement to offer inflation protection
39.11(514D,514G)	Requirements for application forms and replacement coverage
39.12(514G)	Reserve standards
39.13(514D)	Loss ratio
39.14(514G)	Filing requirement
39.15(514D,514G)	Standards for marketing
39.16(514D,514G)	Suitability
39.17(514G)	Prohibition against preexisting conditions and probationary periods in replacement policies or certificates
39.18(514G)	Standard format outline of coverage
39.19(514G)	Requirement to deliver shopper's guide
39.20(514G)	Policy summary and delivery of life insurance policies with long-term care riders
39.21(514G)	Reporting requirement for long-term care benefits funded through life insurance by acceleration of the death benefit
39.22(514G)	Unintentional lapse
39.23(514G)	Denial of claims
39.24(514G)	Incontestability period
39.25(514G)	Required disclosure of rating practices to consumers
39.26(514G)	Initial filing requirements
39.27(514G)	Reporting requirements
39.28(514G)	Premium rate schedule increases
39.29(514G)	Nonforfeiture
39.30(514G)	Standards for benefit triggers
39.31(514G)	Additional standards for benefit triggers for qualified long-term care insurance contracts
39.32(514G)	Penalties
39.33 to 39.40	Reserved

DIVISION II

INDEPENDENT REVIEW OF BENEFIT TRIGGER DETERMINATIONS

39.41(514G)	Purpose
39.42(514G)	Effective date
39.43(514G)	Definitions
39.44(514G)	Notice of benefit trigger determination and content
39.45(514G)	Notice of internal appeal decision and right to independent review
39.46(514G)	Independent review request
39.47(514G)	Certification process
39.48(514G)	Selection of independent review entity
39.49(514G)	Independent review process
39.50(514G)	Decision notification
39.51(514G)	Insurer information
39.52(514G)	Certification of independent review entity
39.53(514G)	Additional requirements
39.54(514G)	Toll-free telephone number
39.55(514G)	Insurance division application and reports
39.56 to 39.74	Reserved

DIVISION III

LONG-TERM CARE PARTNERSHIP PROGRAM

39.75(514H,83GA,HF723)	Purpose
39.76(514H,83GA,HF723)	Effective date
39.77(514H,83GA,HF723)	Definitions
39.78(514H,83GA,HF723)	Eligibility
39.79(514H,83GA,HF723)	Discontinuance of partnership program

- 39.80(514H,83GA,HF723) Required disclosures
- 39.81(514H,83GA,HF723) Form filings
- 39.82(514H,83GA,HF723) Exchanges
- 39.83(514H,83GA,HF723) Required policy terms and disclosures
- 39.84(514H,83GA,HF723) Standards for marketing and suitability
- 39.85(514H,83GA,HF723) Required reports

CHAPTER 40 HEALTH MAINTENANCE ORGANIZATIONS

(Health and Insurance—Joint Rules)

- 40.1(514B) Definitions
- 40.2(514B) Application
- 40.3(514B) Inspection of evidence of coverage
- 40.4(514B) Governing body and enrollee representation
- 40.5(514B) Quality of care
- 40.6(514B) Change of name
- 40.7(514B) Change of ownership
- 40.8(514B) Termination of services
- 40.9(514B) Complaints
- 40.10(514B) Cancellation of enrollees
- 40.11(514B) Application for certificate of authority
- 40.12(514B) Net worth
- 40.13(514B) Fidelity bond
- 40.14(514B) Annual report
- 40.15(514B) Cash or asset management agreements
- 40.16 Reserved
- 40.17(514B) Reinsurance
- 40.18(514B) Provider contracts
- 40.19(514B) Producers' duties
- 40.20(514B) Emergency services
- 40.21(514B) Reimbursement
- 40.22(514B) Health maintenance organization requirements
- 40.23(514B) Disclosure requirements
- 40.24(514B) Provider access
- 40.25(514B) Electronic delivery of accident and health group insurance certificates

CHAPTER 41 LIMITED SERVICE ORGANIZATIONS

- 41.1(514B) Definitions
- 41.2(514B) Application
- 41.3(514B) Inspection of evidence of coverage
- 41.4(514B) Governing body and enrollee representation
- 41.5(514B) Quality of care
- 41.6(514B) Change of name
- 41.7(514B) Change of ownership
- 41.8(514B) Complaints
- 41.9(514B) Cancellation of enrollees
- 41.10(514B) Application for certificate of authority
- 41.11(514B) Net equity and deposit requirements
- 41.12(514B) Fidelity bond
- 41.13(514B) Annual report
- 41.14(514B) Cash or asset management agreements

41.15(514B)	Reinsurance
41.16(514B)	Provider contracts
41.17(514B)	Producers' duties
41.18(514B)	Emergency services
41.19(514B)	Reimbursement
41.20(514B)	Limited service organization requirements
41.21(514B)	Disclosure requirements

CHAPTER 42

GENDER-BLENDED MINIMUM NONFORFEITURE STANDARDS FOR LIFE INSURANCE

42.1(508)	Purpose
42.2(508)	Definitions
42.3(508)	Use of gender-blended mortality tables
42.4(508)	Unfair discrimination
42.5(508)	Separability
42.6(508)	2001 CSO Mortality Table

CHAPTER 43

ANNUITY MORTALITY TABLES FOR USE IN DETERMINING RESERVE LIABILITIES FOR ANNUITIES

43.1(508)	Purpose
43.2(508)	Definitions
43.3(508)	Individual annuity or pure endowment contracts
43.4(508)	Group annuity or pure endowment contracts
43.5(508)	Application of the 1994 GAR Table
43.6(508)	Separability

CHAPTER 44

SMOKER/NONSMOKER MORTALITY TABLES FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES AND NONFORFEITURE BENEFITS

44.1(508)	Purpose
44.2(508)	Definitions
44.3(508)	Alternate tables
44.4(508)	Conditions
44.5(508)	Separability
44.6(508)	2001 CSO Mortality Table

INSURANCE HOLDING COMPANY SYSTEMS

CHAPTER 45

INSURANCE HOLDING COMPANY SYSTEMS

45.1(521A)	Purpose
45.2(521A)	Definitions
45.3(521A)	Subsidiaries of domestic insurers
45.4(521A)	Control acquisition of domestic insurer
45.5(521A)	Registration of insurers
45.6(521A)	Alternative and consolidated registrations
45.7(521A)	Exemptions
45.8(521A)	Disclaimers and termination of registration
45.9(521A)	Transactions subject to prior notice—notice filing
45.10(521A)	Extraordinary dividends and other distributions

CHAPTER 46 MUTUAL HOLDING COMPANIES

46.1(521A)	Purpose
46.2(521A)	Definitions
46.3(521A)	Application—contents—process
46.4(521A)	Plan of reorganization
46.5(521A)	Duties of the commissioner
46.6(521A)	Regulation—compliance
46.7(521A)	Reorganization of domestic mutual insurer with mutual insurance holding company
46.8(521A)	Reorganization of foreign mutual insurer with mutual insurance holding company
46.9(521A)	Mergers of mutual insurance holding companies
46.10(521A)	Stock offerings
46.11(521A)	Regulation of holding company system
46.12(521A)	Reporting of stock ownership and transactions

CHAPTER 47 VALUATION OF LIFE INSURANCE POLICIES

(Including New Select Mortality Factors)

47.1(508)	Purpose
47.2(508)	Application
47.3(508)	Definitions
47.4(508)	General calculation requirements for basic reserves and premium deficiency reserves
47.5(508)	Calculation of minimum valuation standard for policies with guaranteed nonlevel gross premiums or guaranteed nonlevel benefits (other than universal life policies)
47.6(508)	Calculation of minimum valuation standard for flexible premium and fixed premium universal life insurance policies that contain provisions resulting in the ability of a policyowner to keep a policy in force over a secondary guarantee period
47.7(508)	2001 CSO Mortality Table

VIATICAL AND LIFE SETTLEMENTS

CHAPTER 48 VIATICAL AND LIFE SETTLEMENTS

48.1(508E)	Purpose and authority
48.2(508E)	Definitions
48.3(508E)	License requirements
48.4(508E)	Disclosure statements
48.5(508E)	Contract requirements
48.6(508E)	Filing of forms
48.7(508E)	Reporting requirements
48.8(508E)	Examination or investigations
48.9(508E)	Requirements and prohibitions
48.10(508E)	Penalties; injunctions; civil remedies; cease and desist
48.11(252J)	Suspension for failure to pay child support
48.12(261)	Suspension for failure to pay student loan
48.13(272D)	Suspension for failure to pay state debt
48.14(508E)	Severability

CHAPTER 49

FINANCIAL INSTRUMENTS USED IN HEDGING TRANSACTIONS

- 49.1(511) Purpose
- 49.2(511) Definitions
- 49.3(511) Guidelines and internal control procedures
- 49.4(511) Documentation requirements
- 49.5(511) Trading requirements

SECURITIES

CHAPTER 50

REGULATION OF SECURITIES OFFERINGS AND THOSE WHO ENGAGE
IN THE SECURITIES BUSINESS

DIVISION I

DEFINITIONS AND ADMINISTRATION

- 50.1(502) Definitions
- 50.2(502) Cost of audit or inspection
- 50.3(502) Interpretative opinions or no-action letters
- 50.4 to 50.9 Reserved

DIVISION II

REGISTRATION OF BROKER-DEALERS AND AGENTS

- 50.10(502) Broker-dealer registrations, renewals, amendments, succession, and withdrawals
- 50.11(502) Principals
- 50.12(502) Agent and issuer registrations, renewals and amendments
- 50.13(502) Agent continuing education requirements
- 50.14(502) Broker-dealer record-keeping requirements
- 50.15(502) Broker-dealer minimum financial requirements and financial reporting requirements
- 50.16(502) Dishonest or unethical practices in the securities business
- 50.17(502) Rules of conduct
- 50.18(502) Limited registration of Canadian broker-dealers and agents
- 50.19(502) Brokerage services by national and state banks
- 50.20(502) Broker-dealers having contracts with national and state banks
- 50.21(502) Brokerage services by credit unions, savings banks, and savings and loan institutions
- 50.22(502) Broker-dealers having contracts with credit unions, savings banks, and savings and loan institutions
- 50.23 to 50.29 Reserved

DIVISION III

REGISTRATION OF INVESTMENT ADVISERS,
INVESTMENT ADVISER REPRESENTATIVES,
AND FEDERAL COVERED INVESTMENT ADVISERS

- 50.30(502) Electronic filing with designated entity
- 50.31(502) Investment adviser applications and renewals
- 50.32(502) Application for investment adviser representative registration
- 50.33(502) Examination requirements
- 50.34(502) Notice filing requirements for federal covered investment advisers
- 50.35(502) Withdrawal of investment adviser registration
- 50.36(502) Investment adviser disclosure statement
- 50.37(502) Cash solicitation
- 50.38(502) Dishonest or unethical business practices of investment advisers and investment adviser representatives, or fraudulent or deceptive conduct by federal covered investment advisers

50.39(502)	Custody of client funds or securities by investment advisers
50.40(502)	Minimum financial requirements for investment advisers
50.41(502)	Bonding requirements for investment advisers
50.42(502)	Record-keeping requirements for investment advisers
50.43(502)	Financial reporting requirements for investment advisers
50.44(502)	Solely incidental services by certain professionals
50.45 to 50.49	Reserved

DIVISION IV
RULES COVERING ALL REGISTERED PERSONS

50.50(502)	Internet advertising by broker-dealers, investment advisers, broker-dealer agents, investment adviser representatives, and federal covered investment advisers
50.51(502)	Consent to service
50.52(252J)	Denial, suspension or revocation of agent or investment adviser representative registration for failure to pay child support
50.53(261)	Denial, suspension or revocation of agent or investment adviser representative registration for failure to pay debts owed to or collected by the college student aid commission
50.54(502)	Use of senior-specific certifications and professional designations
50.55 to 50.59	Reserved

DIVISION V
REGISTRATION OF SECURITIES

50.60(502)	Notice filings for investment company securities offerings
50.61(502)	Registration of small corporate offerings
50.62(502)	Streamlined registration for certain equity securities
50.63(502)	Registration of multijurisdictional offerings
50.64(502)	Form of financial statements
50.65(502)	Reports contingent to registration by qualification
50.66(502)	NASAA guidelines and statements of policy
50.67(502)	Amendments to registration by qualification
50.68(502)	Delivery of prospectus
50.69(502)	Advertisements
50.70 to 50.79	Reserved

DIVISION VI
EXEMPTIONS

50.80(502)	Uniform limited offering exemption
50.81(502)	Notice filings for Rule 506 offerings
50.82(502)	Notice filings for agricultural cooperative associations
50.83(502)	Unsolicited order exemption
50.84(502)	Solicitation of interest exemption
50.85(502)	Internet offers exemption
50.86(502)	Denial, suspension, revocation, condition, or limitation of limited offering transaction exemption
50.87(502)	Nonprofit securities exemption
50.88(502)	Transactions with specified investors
50.89 to 50.99	Reserved

DIVISION VII
FRAUD AND OTHER PROHIBITED CONDUCT

50.100(502)	Fraudulent practices
50.101(502)	Rescission offers
50.102(502)	Fraudulent, deceptive or manipulative act, practice, or course of business in providing investment advice

- 50.103(502) Investment advisory contracts
- 50.104 to 50.109 Reserved

DIVISION VIII
VIATICAL SETTLEMENT INVESTMENT CONTRACTS

- 50.110(502) Application by viatical settlement investment contract issuers and registration of agents to sell viatical settlement investment contracts
- 50.111(502) Risk disclosure
- 50.112(502) Advertising of viatical settlement investment contracts
- 50.113(502) Duty to disclose

CHAPTERS 51 to 53
Reserved

CHAPTER 54
RESIDENTIAL SERVICE CONTRACTS

- 54.1(523C) Purpose
- 54.2(523C) Definitions
- 54.3(523C) Title
- 54.4(523C) Scope
- 54.5(523C) Application of insurance laws
- 54.6(523C) Exemptions
- 54.7 to 54.9 Reserved
- 54.10(523C) Administration
- 54.11(523C) Misrepresentations of government approval
- 54.12(523C) Public access to hearings
- 54.13(523C) Public access to records
- 54.14(523C) Procedure for public complaints
- 54.15(523C) Fees
- 54.16(523C) Forms
- 54.17 to 54.19 Reserved
- 54.20(523C) Service company licenses
- 54.21(523C) Suspension or revocation of license
- 54.22(523C) Licenses not transferable
- 54.23 to 54.29 Reserved
- 54.30(523C) Forms of contracts
- 54.31 to 54.39 Reserved
- 54.40(523C) Cessation of business—records
- 54.41(523C) Records
- 54.42(523C) Annual reports
- 54.43 to 54.49 Reserved
- 54.50(523C) Prohibited acts or practices
- 54.51(523C) Orders
- 54.52(523C) Investigations and subpoenas
- 54.53(523C) Audits

CHAPTER 55
LICENSING OF PUBLIC ADJUSTERS

- 55.1(82GA, HF499) Purpose
- 55.2(82GA, HF499) Definitions
- 55.3(82GA, HF499) License required to operate as public adjuster
- 55.4(82GA, HF499) Application for license
- 55.5(82GA, HF499) Issuance of resident license
- 55.6(82GA, HF499) Public adjuster examination

55.7(82GA,HF499)	Exemptions from examination
55.8(82GA,HF499)	Nonresident license reciprocity
55.9(82GA,HF499)	Terms of licensure
55.10(82GA,HF499)	Evidence of financial responsibility
55.11(82GA,HF499)	Continuing education
55.12(82GA,HF499)	License denial, nonrenewal or revocation
55.13(82GA,HF499)	Reinstatement or reissuance of a license after suspension, revocation or forfeiture in connection with disciplinary matters; and forfeiture in lieu of compliance
55.14(82GA,HF499)	Contract between public adjuster and insured
55.15(82GA,HF499)	Escrow accounts
55.16(82GA,HF499)	Record retention
55.17(82GA,HF499)	Standards of conduct of public adjuster
55.18(82GA,HF499)	Public adjuster fees
55.19(82GA,HF499)	Penalties
55.20(82GA,HF499)	Fees
55.21(82GA,HF499)	Severability

CHAPTER 56

WORKERS' COMPENSATION GROUP SELF-INSURANCE

56.1(87,505)	General provisions
56.2(87,505)	Definitions
56.3(87,505)	Requirements for self-insurance
56.4	Reserved
56.5(87,505)	Excess insurance
56.6(87,505)	Rates and reporting of rates
56.7(87,505)	Special provisions
56.8(87,505)	Certificate of approval; termination
56.9(87,505)	Examinations
56.10(87,505)	Board of trustees—membership, powers, duties, and prohibitions
56.11(87,505)	Association membership; termination; liability
56.12(87,505)	Requirements of sales agents
56.13(87,505)	Requirements for continued approval
56.14(87,505)	Misrepresentation prohibited
56.15(87,505)	Investments
56.16(87,505)	Refunds
56.17(87,505)	Premium payment; reserves
56.18(87,505)	Deficits and insolvencies
56.19(87,505)	Grounds for nonrenewal or revocation of a certificate of relief from insurance
56.20(87,505)	Hearing and appeal
56.21(87,505)	Existing approved self-insurers
56.22(87,505)	Severability clause

CHAPTER 57

WORKERS' COMPENSATION SELF-INSURANCE FOR INDIVIDUAL EMPLOYERS

57.1(87,505)	General provisions
57.2(87,505)	Definitions
57.3(87,505)	Requirements for self-insurance
57.4(87,505)	Additional security requirements
57.5(87,505)	Application for an individual self-insurer
57.6	Reserved
57.7(87,505)	Excess insurance

57.8(87,505)	Insolvency
57.9(87,505)	Renewals
57.10(87,505)	Periodic examination
57.11(87,505)	Grounds for nonrenewal or revocation of a certificate of relief from insurance
57.12(87,505)	Hearing and appeal
57.13(87,505)	Existing approved self-insurers
57.14(87,505)	Severability clause

CHAPTER 58 THIRD-PARTY ADMINISTRATORS

58.1(510)	Purpose
58.2(510)	Definitions
58.3(505,510)	Registration required
58.4(510)	Third-party administrator duties
58.5(510)	Renewal procedure
58.6(505,510)	Responsibilities of the insurer
58.7(505,510)	Written agreement
58.8(510)	Compensation to the third-party administrator
58.9(510)	Disclosure of charges and fees
58.10(510)	Delivery of materials to covered individuals
58.11(510)	Annual report and fee
58.12(510)	Change of information
58.13(510)	Inquiry by commissioner
58.14(510)	Complaints
58.15(510)	Periodic examination
58.16(510)	Grounds for denial, nonrenewal, suspension or revocation of certificate of registration
58.17(510)	Confidential information
58.18(510)	Fees
58.19(510)	Severability clause
58.20(510)	Compliance date

CHAPTER 59 PHARMACY BENEFITS MANAGERS

59.1(510B)	Purpose
59.2(510B)	Definitions
59.3(510B)	Timely payment of pharmacy claims
59.4(510B)	Study
59.5(510B)	Complaints
59.6(510B)	Auditing practices
59.7(510B)	Termination of pharmacy contracts

CHAPTER 60 WORKERS' COMPENSATION INSURANCE RATE FILING PROCEDURES

60.1(515A)	Purpose
60.2(515A)	Definitions, scope, authority
60.3(515A)	General filing requirements
60.4(515A)	Rate or manual rule filing
60.5(515A)	Violation and penalties
60.6(515A)	Severability
60.7(515A)	Effective date

CHAPTERS 61 to 69

Reserved

MANAGED HEALTH CARE

CHAPTER 70

UTILIZATION REVIEW

- 70.1(505,514F) Purpose
- 70.2(505,514F) Definitions
- 70.3(505,514F) Application
- 70.4(505,514F) Standards
- 70.5(505,514F) Retroactive application
- 70.6(505,514F) Variances allowed
- 70.7(505,514F) Confidentiality
- 70.8(76GA,ch1202) Utilization review of postdelivery benefits and care
- 70.9(505,507B,514F) Enforcement
- 70.10(514F) Credentialing—retrospective payment

HEALTH BENEFIT PLANS

CHAPTER 71

SMALL GROUP HEALTH BENEFIT PLANS

- 71.1(513B) Purpose
- 71.2(513B) Definitions
- 71.3(513B) Applicability and scope
- 71.4(513B) Establishment of classes of business
- 71.5(513B) Transition for assumptions of business from another carrier
- 71.6(513B) Restrictions relating to premium rates
- 71.7(513B) Requirement to insure entire groups
- 71.8(513B) Case characteristics
- 71.9(513B) Application to reenter state
- 71.10(513B) Creditable coverage
- 71.11(513B) Rules related to fair marketing
- 71.12(513B) Status of carriers as small employer carriers
- 71.13(513B) Restoration of coverage
- 71.14(513B) Basic health benefit plan and standard health plan policy forms
- 71.15(513B) Methods of counting creditable coverage
- 71.16(513B) Certificates of creditable coverage
- 71.17(513B) Notification requirements
- 71.18(513B) Special enrollments
- 71.19(513B) Disclosure requirements
- 71.20(514C) Treatment options
- 71.21(514C) Emergency services
- 71.22(514C) Provider access
- 71.23(513B) Reconstructive surgery
- 71.24(514C) Contraceptive coverage
- 71.25(513B) Suspension of the small employer health reinsurance program
- 71.26(513B) Uniform health insurance application form

CHAPTER 72

LONG-TERM CARE ASSET PRESERVATION PROGRAM

- 72.1(249G) Purpose
- 72.2(249G) Applicability and scope
- 72.3(249G) Definitions

72.4(249G)	Qualification of long-term care insurance policies and certificates
72.5(249G)	Standards for marketing
72.6(249G)	Minimum benefit standards for qualifying policies and certificates
72.7(249G)	Required policy and certificate provisions
72.8(249G)	Prohibited provisions in certified policies or certificates
72.9(249G)	Reporting requirements
72.10(249G)	Maintaining auditing information
72.11(249G)	Reporting on asset protection
72.12(249G)	Preparing a service summary
72.13(249G)	Plan of action
72.14(249G)	Auditing and correcting deficiencies in issuer record keeping
72.15(249G)	Separability

CHAPTER 73

HEALTH INSURANCE PURCHASING COOPERATIVES

73.1(75GA,ch158)	Purpose
73.2(75GA,ch158)	Applicability and scope
73.3(75GA,ch158)	Definitions
73.4(75GA,ch158)	Division duties—application—filing requirements—license—audits and examinations
73.5(75GA,ch158)	Fidelity bond—letter of credit
73.6(75GA,ch158)	Annual report
73.7(75GA,ch158)	Business plan
73.8(75GA,ch158)	Participants
73.9(75GA,ch158)	Health insurance purchasing cooperative—product offerings—exemptions
73.10(75GA,ch158)	Insurance risk
73.11(75GA,ch158)	Rates
73.12(75GA,ch158)	Election—disclosure and confidentiality
73.13(75GA,ch158)	Structure—merger and consolidation
73.14(75GA,ch158)	Conflict of interest
73.15(75GA,ch158)	Nondiscrimination and retaliatory protections
73.16(75GA,ch158)	Annual health insurance or health care benefits plan selection
73.17(75GA,ch158)	License subject to conditions—waivers
73.18(75GA,ch158)	Procedures
73.19(75GA,ch158)	Data collection—quality evaluation
73.20(75GA,ch158)	Examination—costs
73.21(75GA,ch158)	Trade practices
73.22(75GA,ch158)	Grounds for denial, nonrenewal, suspension or revocation of certificate
73.23(75GA,ch158)	Hearing and appeal
73.24(75GA,ch158)	Solvency

CHAPTER 74

HEALTH CARE ACCESS

74.1(505)	Purpose
74.2(505)	Applicability and scope
74.3(505)	Definitions
74.4(505)	Access to health care or health insurance for an employee
74.5(505)	Employer participation
74.6(505)	Violation of chapter

CHAPTER 75
IOWA INDIVIDUAL HEALTH BENEFIT PLANS

75.1(513C)	Purpose
75.2(513C)	Definitions
75.3(513C)	Applicability and scope
75.4(513C)	Establishment of blocks of business
75.5(513C)	Transition for assumptions of business from another carrier or ODS
75.6(513C)	Restrictions relating to premium rates
75.7(513C)	Availability of coverage
75.8(513C)	Disclosure of information
75.9(513C)	Standards to ensure fair marketing
75.10(513C)	Basic health benefit plan and standard health benefit plan policy forms
75.11(513C)	Maternity benefit rider
75.12(513C)	Disclosure requirements
75.13(514C)	Treatment options
75.14(514C)	Emergency services
75.15(514C)	Provider access
75.16(514C)	Diabetic coverage
75.17(513C)	Reconstructive surgery
75.18(514C)	Contraceptive coverage

CHAPTER 76
EXTERNAL REVIEW

76.1(514J)	Purpose
76.2(514J)	Applicable law and definitions
76.3(514J)	Disclosure requirements
76.4(514J)	External review request
76.5(514J)	Communication between covered person, health carrier, independent review organization and the commissioner
76.6(514J)	Assignment of independent review organization by the commissioner
76.7(514J)	Decision notification
76.8(514J)	Health carrier information
76.9(514J)	Certification of independent review organization
76.10(514J)	Fees charged by independent review organizations
76.11(514J)	Penalties

CHAPTER 77
MULTIPLE EMPLOYER WELFARE ARRANGEMENTS

77.1(507A)	Certificate of registration
77.2(507A)	Application for certificate of registration
77.3(507A)	Financial requirements
77.4(507A)	Policy or contract
77.5(507A)	Disclosure
77.6(507A)	Filing fee
77.7(507A)	Agreements and management contracts
77.8(507A)	Examination
77.9(507A)	Trade practices
77.10(507A)	Insolvency
77.11(507A)	Suspension or revocation of certificate

CHAPTER 78

UNIFORM PRESCRIPTION DRUG INFORMATION CARD

- 78.1(514L) Purpose
- 78.2(514L) Definitions
- 78.3(514L) Implementation

CHAPTER 79

Reserved

*INSURANCE COVERAGE FOR
PEDIATRIC PREVENTIVE SERVICES*

CHAPTER 80

WELL-CHILD CARE

- 80.1(505,514H) Purpose
- 80.2(505,514H) Applicability and scope
- 80.3(505,514H) Effective date
- 80.4(505,514H) Policy definitions
- 80.5(505,514H) Benefit plan

CHAPTER 81

POSTDELIVERY BENEFITS AND CARE

- 81.1(514C) Purpose
- 81.2(514C) Applicability and scope
- 81.3(514C) Postdelivery benefits

CHAPTERS 82 to 89

Reserved

CHAPTER 90

FINANCIAL AND HEALTH INFORMATION REGULATION

- 90.1(505) Purpose and scope
- 90.2(505) Definitions

DIVISION I

RULES FOR FINANCIAL INFORMATION

- 90.3(505) Initial privacy notice to consumers required
- 90.4(505) Annual privacy notice to customers required
- 90.5(505) Information to be included in privacy notices
- 90.6(505) Form of opt-out notice to consumers and opt-out methods
- 90.7(505) Revised privacy notices
- 90.8(505) Delivery of notice
- 90.9(505) Limits on disclosure of nonpublic personal financial information to nonaffiliated third parties
- 90.10(505) Limits on redisclosure and reuse of nonpublic personal financial information
- 90.11(505) Limits on sharing account number information for marketing purposes
- 90.12(505) Exception to opt-out requirements for disclosure of nonpublic personal financial information for service providers and joint marketing
- 90.13(505) Exceptions to notice and opt-out requirements for disclosure of nonpublic personal financial information for processing and servicing transactions
- 90.14(505) Other exceptions to notice and opt-out requirements for disclosure of nonpublic personal financial information
- 90.15(505) Notice through a Web site
- 90.16(505) Licensee exception to notice requirement

DIVISION II
RULES FOR HEALTH INFORMATION

90.17(505)	Disclosure of nonpublic personal health information
90.18(505)	Authorizations
90.19(505)	Delivery of authorization request
90.20(505)	Relationship to federal rules
90.21(505)	Relationship to state laws
90.22(505)	Protection of Fair Credit Reporting Act
90.23(505)	Nondiscrimination
90.24(505)	Severability
90.25(505)	Penalties
90.26(505)	Effective dates
90.27 to 90.36	Reserved

DIVISION III
SAFEGUARDING CUSTOMER INFORMATION

90.37(505)	Information security program
90.38(505)	Examples of methods of development and implementation
90.39(505)	Penalties
90.40(505)	Effective date

CHAPTER 91
2001 CSO MORTALITY TABLE

91.1(508)	Purpose
91.2(508)	Definitions
91.3(508)	2001 CSO Mortality Table
91.4(508)	Conditions
91.5(508)	Applicability of the 2001 CSO Mortality Table to 191—Chapter 47, Valuation of Life Insurance Policies
91.6(508)	Gender-blended table
91.7(508)	Separability

CHAPTER 92
UNIVERSAL LIFE INSURANCE

92.1(508)	Purpose and authority
92.2(508)	Definitions
92.3(508)	Scope
92.4(508)	Valuation
92.5(508)	Nonforfeiture
92.6(508)	Mandatory policy provisions
92.7(508)	Disclosure requirements
92.8(508)	Periodic disclosure to policyowner
92.9(508)	Interest-indexed universal life insurance policies
92.10(508)	Applicability

CHAPTER 93
CONDUIT DERIVATIVE TRANSACTIONS

93.1(511,521A)	Purposes
93.2(511,521A)	Definitions
93.3(511,521A)	Provisions not applicable
93.4(511,521A)	Standards for conduit derivative transactions
93.5(511,521A)	Internal controls
93.6(511,521A)	Reporting requirements for conduit derivative transactions

- 93.7(511,521A) Conduit ownership
- 93.8(511,521A) Exemption from applicability

CHAPTER 94

PREFERRED MORTALITY TABLES FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES

- 94.1(508) Purpose
- 94.2(508) Definitions
- 94.3(508) 2001 CSO Preferred Class Structure Mortality Table
- 94.4(508) Conditions
- 94.5(508) Separability

CHAPTER 95

DETERMINING RESERVE LIABILITIES FOR PRENEED LIFE INSURANCE

- 95.1(508) Authority
- 95.2(508) Scope
- 95.3(508) Purpose
- 95.4(508) Definitions
- 95.5(508) Minimum valuation mortality standards
- 95.6(508) Minimum valuation interest rate standards
- 95.7(508) Minimum valuation method standards
- 95.8(508) Transition rules
- 95.9(508) Effective date

CHAPTER 96

SYNTHETIC GUARANTEED INVESTMENT CONTRACTS

- 96.1(505,508) Authority
- 96.2(505,508) Purpose
- 96.3(505,508) Scope and application
- 96.4(505,508) Definitions
- 96.5(505,508) Financial requirements and plan of operation
- 96.6(505,508) Required contract provisions and filing requirements
- 96.7(505,508) Investment management of the segregated portfolio
- 96.8(505,508) Purchase of annuities
- 96.9(505,508) Unilateral contract terminations
- 96.10(505,508) Reserves
- 96.11(505,508) Severability
- 96.12(505,508) Effective date

CHAPTER 97

ACCOUNTING FOR CERTAIN DERIVATIVE INSTRUMENTS USED TO HEDGE THE GROWTH IN INTEREST CREDITED FOR INDEXED INSURANCE PRODUCTS AND ACCOUNTING FOR THE INDEXED INSURANCE PRODUCTS RESERVE

- 97.1(508) Authority
- 97.2(508) Purpose
- 97.3(508) Definitions
- 97.4(508) Asset accounting
- 97.5(508) Indexed annuity product reserve calculation methodology
- 97.6(508) Indexed life product reserve calculation methodology
- 97.7(508) Other requirements

CHAPTER 98

ANNUAL FINANCIAL REPORTING REQUIREMENTS

98.1(505)	Authority
98.2(505)	Purpose
98.3(505)	Definitions
98.4(505)	General requirements related to filing and extensions for filing of annual audited financial reports and audit committee appointment
98.5(505)	Contents of annual audited financial report
98.6(505)	Designation of independent certified public accountant
98.7(505)	Qualifications of independent certified public accountant
98.8(505)	Consolidated or combined audits
98.9(505)	Scope of audit and report of independent certified public accountant
98.10(505)	Notification of adverse financial condition
98.11(505)	Communication of Internal Control Related Matters Noted in an Audit
98.12(505)	Definition, availability and maintenance of independent certified public accountants' work papers
98.13(505)	Requirements for audit committees
98.14(505)	Conduct of insurer in connection with the preparation of required reports and documents
98.15(505)	Management's Report of Internal Control Over Financial Reporting
98.16(505)	Exemptions
98.17(505)	Letter to insurer with accountant's qualifications
98.18(505)	Canadian and British companies
98.19(505)	Severability provision
98.20(505)	Effective date

CHAPTER 99

LIMITED PURPOSE SUBSIDIARY LIFE INSURANCE COMPANIES

99.1(505,508)	Authority
99.2(505,508)	Purpose
99.3(505,508)	Definitions
99.4(505,508)	Formation of LPS
99.5(505,508)	Certificate of authority
99.6(505,508)	Capital and surplus
99.7(505,508)	Plan of operation
99.8(505,508)	Dividends and distributions
99.9(505,508)	Reports and notifications
99.10(505,508)	Material transactions
99.11(505,508)	Investments
99.12(508)	Securities
99.13(505,508)	Permitted reinsurance
99.14(505,508)	Certification of actuarial officer
99.15(505,508)	Effective date

REGULATED INDUSTRIES

SALES OF CEMETERY MERCHANDISE, FUNERAL MERCHANDISE AND FUNERAL SERVICES

CHAPTER 100

GENERAL PROVISIONS

100.1(523A)	Purpose
100.2(523A)	Definitions
100.3(523A)	Contact and correspondence
100.4(523A)	Fees

CHAPTER 101
TRUST DEPOSITS AND TRUST FUNDS

101.1(523A)	Trust income withdrawals
101.2(523A)	Amount of trust income withdrawn
101.3(523A)	Allocation of trust income to purchasers' accounts
101.4(523A)	Credit for trust income withdrawn
101.5(523A)	Time period during which trust income may be withdrawn
101.6(523A)	Application of contract law
101.7(523A)	Consumer price index adjustment
101.8(523A)	Cancellation refunds

CHAPTER 102
WAREHOUSED MERCHANDISE

102.1(523A)	Funeral and cemetery merchandise delivered to the purchaser or warehoused
102.2(523A)	Storage facilities

CHAPTER 103
LICENSING OF PRENEED SELLERS AND SALES AGENTS

103.1(523A)	Requirement for a preneed seller license or a sales agent license
103.2(523A)	Application and licensing of preneed seller or sales agent
103.3(523A)	Change of ownership or sale of business of preneed seller
103.4(523A)	License renewal
103.5(523A)	Denial of license applications or of applications for renewal
103.6(523A)	Reinstatement or reissuance of a license after suspension, revocation or forfeiture in connection with disciplinary matters; and forfeiture in lieu of compliance
103.7(252J)	Suspension for failure to pay child support
103.8(261)	Suspension for failure to pay student loan

CHAPTER 104
CONTINUING EDUCATION FOR SALES AGENTS

104.1(523A)	Continuing education requirements
104.2(523A)	Acceptable areas of continuing education
104.3(523A)	Academic coursework
104.4(523A)	Effective date
104.5(523A)	Compliance period
104.6(523A)	Denial of sales agent license renewal application
104.7(523A)	Disqualification and replacement of credits
104.8(523A)	Current mailing address
104.9(523A)	Proof of completion of continuing education requirements
104.10(523A)	Standards for continuing education activities
104.11(523A)	Qualifications of presenters and proof of attendance
104.12(523A)	Reviews
104.13(523A)	Exemption

CHAPTER 105
STANDARDS OF CONDUCT AND PROHIBITED PRACTICES

105.1(523A)	Purpose
105.2(523A)	Numbering purchase agreements
105.3(523A)	Records maintenance
105.4(523A)	Annual reports
105.5(523A)	Fidelity bond or insurance

- 105.6(523A) Grounds for discipline
- 105.7(523A) Prohibition on sales activities and practices without a license or without an appointment

CHAPTER 106
DISCIPLINARY PROCEDURES

- 106.1(523A) Investigations
- 106.2(17A,523A) Penalties
- 106.3(17A,523A) Administrative procedures

CHAPTERS 107 to 109
Reserved

CHAPTER 110
STANDARDS AND COMMISSIONER'S AUTHORITY FOR COMPANIES
DEEMED TO BE IN HAZARDOUS FINANCIAL CONDITION

- 110.1(505) Authority
- 110.2(505) Purpose
- 110.3(505) Definition
- 110.4(505) Standards
- 110.5(505) Commissioner's authority
- 110.6(505) Judicial review
- 110.7(505) Separability
- 110.8(505) Effective date

PROPERTY AND CASUALTY INSURANCE

CHAPTER 20

PROPERTY AND CASUALTY INSURANCE

[Prior to 10/22/86, Insurance Department[510]]

DIVISION I

FORM AND RATE REQUIREMENTS

191—20.1(505,509,514A,515,515A,515F) General filing requirements.

20.1(1) Insurance companies required to file rates or forms with the division shall submit required rate and form filings and any fees required for the filings electronically using the National Association of Insurance Commissioners' System for Electronic Rate and Form Filing (SERFF). Insurance companies must comply with the division's requirements, including both the Iowa general instructions and the specific submission requirements for the type of insurance for which the companies are submitting forms or rates, as set out on the SERFF Web site at www.serff.org.

20.1(2) No rate filing shall include any adjustment designed to recover underwriting or operating losses incurred out of state. Upon request by the commissioner, insurers doing business in Iowa shall segregate in their rate filings data from any state identified by the commissioner, and the filings shall include a certification that no portion of any rate increase is designed to recover underwriting or operating losses incurred in another state.

191—20.2(505) Objection to filing.

20.2(1) Any insured or established organization with one or more insureds among its members that has an objection to a form filing may submit to the insurance commissioner a written request for a hearing on the filing. A request for a hearing must be filed within 20 days after the filing has been received by the commissioner.

20.2(2) Within 20 days after receipt of the request for a hearing, the commissioner will hold a hearing to consider the objection to the filing. The commissioner will provide not less than 10 days' written notice of the time and place of the hearing to the person or association filing the demand, to the filing insurer or organization, and to any other person requesting notice. The commissioner may suspend or postpone the effective date of the filing pending the hearing. Upon consideration of the information received at the hearing, the commissioner may determine whether or not to approve the filing.

191—20.3(515,515A,515C,518,518A,520) Letter of transmittal. Rescinded IAB 10/25/06, effective 11/29/06.

191—20.4(505,509,514A,515,515A,515F) Policy form filing.

20.4(1) Each policy form, endorsement, application and agreement modifying the provisions of policies must bear an identification form number. This form number must be in the lower left-hand corner unless uniform or authentic forms are used.

20.4(2) All endorsements, riders and agreements restricting coverage provisions of the policy form previously issued must provide a signature line for acceptance by the named insured.

20.4(3) A form filing which has not been previously approved, disapproved or questioned shall be deemed approved on or after 30 days from its receipt.

191—20.5(515A) Rate or manual rule filing.

20.5(1) Every insurer shall determine and file its final rates with the commissioner pursuant to provisions of Iowa Code chapter 515F, except for insurers of workers' compensation who are specifically excluded by Iowa Code section 515F.5 and residual market mechanisms.

a. Advisory organizations may file on behalf of their member and subscriber companies prospective loss costs, supplementary rate information and supporting information as defined in Iowa Code section 515F.2. Advisory organization filings shall be filed and made effective in accordance with

the provisions of Iowa Code sections 515F.4 to 515F.6 or 515F.23 to 515F.25 that apply to the filing and approval of rates and supplementary rating information.

b. An insurer may satisfy its obligation to make rate filings by becoming a participating insurer of a licensed advisory organization that makes reference filings of advisory prospective loss costs and by authorizing the commissioner to accept such filings on its behalf. The insurer's rates shall be the prospective loss costs filed by the advisory organization which have been put into effect in accordance with 20.5(1)"a," combined with the loss cost adjustments which are filed in accordance with this paragraph.

c. An insurer may satisfy its obligation to make filings of supplementary rating information by becoming a participating insurer of a licensed advisory organization which makes such filings and by authorizing the commissioner to accept such filings on its behalf, subject to any modifications filed by the insurer.

d. If an insurer has previously filed forms modifying coverage provided by the applicable advisory organization forms, such fact should be noted in the rate filing.

20.5(2) Rate filings shall reflect that due consideration has been given to the factors enumerated in Iowa Code section 515F.4(1), and shall be accompanied by supporting statistical exhibits. In addition, each filing shall note the date of the last revision of rates affecting this coverage and briefly describe the nature of that revision.

20.5(3) Insurers making filings in their own behalf and advisory organizations shall identify each page filed by printing, typing or stamping their own name thereon.

20.5(4) If a company filing rates used the manuals of an advisory organization in its filings, any portion of the manuals of the organization which will not be followed by the filing must be clearly shown as deleted or amended by use of an appropriately numbered exception page.

20.5(5) For residual market mechanisms, insurers making filings in their own behalf shall identify the submission as an independent filing or a deviation from the bureau filing. A deviation filing is a submission which represents modification of a form or rate or rule previously filed by an authorized rating organization or advisory organization on behalf of its member and subscriber companies. If an insurer has previously filed forms modifying coverage provided by the applicable standard or bureau forms, such fact should be noted in the rate filing.

191—20.6(515A) Exemption from filing requirement.

20.6(1) An insurer requesting, pursuant to Iowa Code section 515F.5(4), suspension or modification of the requirement of filing of a rate shall provide the commissioner with a full explanation for the proposed exemption from the filing requirement together with any actuarial data available and shall furnish the commissioner with any additional material the commissioner may desire.

20.6(2) If the commissioner finds that a proposed rate represents a classification for which credible and homogeneous statistical experience does not exist and cannot be analyzed using standard actuarial techniques to produce a statistically significant average rate for the individual risks within the classification, the commissioner may exempt the proposed rate from the filing requirement.

20.6(3) An insurer shall maintain statistical records of the experience and expenses attendant upon the risks covered by any rate exempted by the commissioner from the filing requirement. The insurer may supplement statistical information with information filed with the commissioner by an advisory organization.

This rule is intended to implement Iowa Code section 515A.4(6).

191—20.7(515E) Risk retention and purchasing groups. Rescinded IAB 11/22/06, effective 12/27/06.

191—20.8(515A) Rate filings for crop-hail insurance. Rate filings for crop-hail insurance shall be submitted on or before March 15 of each calendar year. Each company may file one set of rates per policy plan per calendar year which shall remain in effect throughout the current crop year. In the absence of a new filing, rates on file from the previous year will remain in effect. Each filing shall be accompanied by a cover letter, synopsis sheet and supporting data which justifies the filed rate.

191—20.9(515F) Licensing advisory organization. Rescinded IAB 3/28/07, effective 5/2/07.

191—20.10(515F) Exemptions. Rescinded IAB 3/28/07, effective 5/2/07.

191—20.11(515) Exemption from form and rate filing requirements.

20.11(1) The following lines of insurance shall be exempt from the form filing requirements of Iowa Code section 515.109:

- Aircraft hull and aviation liability
- Difference-in-conditions
- Kidnap-ransom
- Manuscript policies and endorsements issued to not more than two insureds in Iowa
- Political risk
- Reinsurance
- Terrorism
- War risk
- Weather insurance

20.11(2) Insurers shall be exempt from filing rates for the lines of insurance exempted in 20.11(1).

20.11(3) An insurer shall within 30 days of request provide the commissioner with any of the information which is exempted from form and rate filing requirements.

191—20.12(515,515F) Use of credit history in underwriting and making of rates for personal automobile and homeowners policies. Rescinded IAB 11/24/04, effective 12/29/04.

191—20.13 to 20.40 Reserved.

These rules are intended to implement Iowa Code chapter 515F and Iowa Code section 515.109.

DIVISION II
IOWA FAIR PLAN ACT

191—20.41(515,515F) Purpose. This division is intended to implement and interpret 2003 Iowa Acts, chapter 119, for the purpose of establishing procedures and requirements for a mandatory risk-sharing facility for basic property insurance coverage. This division is also intended to encourage improvement of and reasonable loss prevention measures for properties located in Iowa and to further orderly community development.

191—20.42(515,515F) Scope. This division shall apply to all insurers licensed to write property insurance in Iowa.

191—20.43(515,515F) Definitions.

“Basic property insurance” means insurance against direct loss to property as defined in the standard fire policy and extended coverage, vandalism, and malicious mischief endorsements; homeowners insurance; and such other coverage or classes of insurance as may be added to the FAIR Plan by the commissioner. Basic property insurance shall include:

1. Coverage provided in the customary fire policy and in the customary extended coverage and builders risk endorsements.

2. Coverage against loss or damage by burglary or theft, or both.

3. Coverage at least equivalent to that provided in a modified coverage form homeowners policy.

“Habitational risk” means:

1. Dwellings, permanent or seasonal, designed for occupancy by not more than four families or containing not more than four apartments.

2. Private outbuildings used in connection with any of the risks described in “1.”

3. Trailer homes at a fixed location.

4. Household and personal property in risks described in “1” to “3.”

5. Tenants' contents in dwellings or apartment houses.

"Iowa FAIR Plan" or "the Plan" means the nonprofit, unincorporated mandatory risk-sharing facility established by this division to provide for basic property insurance.

"Location" means a single building and its contents, or contiguous buildings and their contents, under one ownership.

"Manufacturing risks" means those risks eligible to be written under the customary manufacturing business interruption policy forms approved by the commissioner. The following are not considered manufacturing risks:

1. Dry cleaning and laundering—Carpet, rug, furniture, or upholstery cleaning; diaper service or infants' apparel laundries; dry cleaning; laundries; linen supply.

2. Installation, servicing and repair—Electrical equipment; electronic equipment; glazing; household furnishings and appliances; office machines; plumbing, heating and air conditioning; protective systems for premises, vaults and safes.

3. Laboratories—Blood banks; dental laboratories; medical or X-ray laboratories.

4. Duplicating or similar services—Blueprinting and photocopying services; bookbinding; electrotyping; engraving; letter service (mailing or addressing companies); linotype or hand composition; lithographing; photo engraving; photo finishing; photographers (commercial).

5. Warehousing—Cold storage (locker establishments); cold storage warehouse; furniture or general merchandise warehouse.

6. Miscellaneous—Barber shops; beauty parlors; cemeteries; dog kennels; electroplating; equipment rental (not contractors' equipment); film and tape rental; funeral directors; galvanizing, tinning, detinning; radio broadcasting, commercial wireless and television broadcasting; taxidermists; telephone or telegraph companies; textiles (bleaching, dyeing, mercerizing or finishing of property of others); veterinarians and veterinary hospitals.

"Motor vehicles" means vehicles which are self-propelled.

"Weighted premiums written" means:

1. Gross direct premiums less return premiums, dividends paid or credited to policyholders, or the unused or unabsorbed portions of premium deposits, with respect to property in this state excluding premiums on risks insured under the Plan, for basic property insurance, for homeowners multiple peril policies, for farm dwelling policies and for the basic property insurance premium components of all other multiple peril policies.

2. In addition, 100 percent of the premiums obtained for homeowners multiple peril policies shall be added to 100 percent of the premiums obtained for basic property insurance and the basic property insurance premium components of all other multiple peril policies. The basic year for the computation shall be the first preceding calendar year.

191—20.44(515,515F) Eligible risks.

20.44(1) All risks at a fixed location shall be eligible for inspection and considered for insurance under the Plan except motor vehicles, inland marine risks, and manufacturing risks as defined above.

20.44(2) The maximum limits of coverage for the type of basic property insurance for customary fire and extended coverage which may be placed under the Plan are those established by the governing committee from time to time.

20.44(3) The maximum limits of coverage for the type of basic property insurance for burglary and theft which may be placed under the Plan are those established by the governing committee from time to time.

20.44(4) The maximum limits of coverage for the type of basic property insurance for homeowners coverage which may be placed under the Plan are those established by the governing committee from time to time.

191—20.45(515,515F) Membership.

20.45(1) Every insurer licensed to write one or more components of basic property insurance shall be considered a member of the Plan. Any other insurer may, upon application to and approval by the governing committee, become a member.

20.45(2) An insurer's membership terminates when the insurer is no longer authorized to write basic property insurance in Iowa, but the effective date of termination shall be the last day of the fiscal year of the Plan in which termination occurs. Any insurer so terminated shall continue to be governed by the provisions of this division until the insurer completes all of its obligations under the Plan.

20.45(3) Any voluntary insurer member may terminate its membership only as of the last day of the fiscal year of the Plan by giving written notice to the Plan 30 days prior to the last day of the fiscal year of the Plan. The governing committee upon a majority vote may terminate the membership of a voluntary insurer. Any such terminated member shall continue to be governed by the provisions of this division until the insurer completes all of its obligations under the Plan.

20.45(4) Subject to the approval of the commissioner, the governing committee may charge a reasonable annual membership fee.

191—20.46(515,515F) Administration.

20.46(1) The Plan shall be administered by the governing committee, subject to supervision of the commissioner, and operated by a manager appointed by the governing committee.

20.46(2) The governing committee shall consist of seven members, each of whom shall serve for a period of one year or until a successor is elected or designated. Each member shall have one vote.

191—20.47(515,515F) Duties of the governing committee.

20.47(1) The governing committee shall meet as often as may be required to perform the general duties of the administration of the Plan, or on the call of the commissioner. Four members of the committee present or by proxy shall constitute a quorum. Members of the committee who choose to appoint a proxy shall give a written proxy to the person elected to act as proxy. The written proxy shall then be filed with the governing committee, thus ensuring the validity of the proxy's actions as the governing committee performs its duties.

20.47(2) The governing committee shall be empowered to appoint a manager, who shall serve at the pleasure of the committee, to budget expenses, levy assessments, disburse funds, and perform all other duties of the Plan. The adoption of or substantive changes in pension plans or employee benefit programs for the manager and staff shall be subject to approval of the governing committee.

20.47(3) The governing committee may designate, with the approval of the commissioner, a rate service organization as defined in Iowa Code chapter 515F, to make inspections as required under the Plan and to perform such other duties as may be authorized by the governing committee.

20.47(4) The manager shall annually prepare an operating budget which shall be subject to approval of the governing committee.

20.47(5) The governing committee shall submit to the commissioner periodic reports setting forth information as the commissioner may request. On or before April 1 of each year, the governing committee shall submit a report summarizing any new programs or reforms in operation undertaken during the preceding calendar year in order to comply with any new legislation, regulations or directives affecting the Plan. This report shall contain a statistical tabulation on business written in accordance with the Plan.

20.47(6) The governing committee shall separately code all policies written by the Plan so that appropriate records may be compiled for purposes of performing loss prevention and other studies of the operation of the Plan.

20.47(7) The governing committee shall authorize the manager to file rates, surcharge schedules and forms for prior approval by the commissioner.

20.47(8) The governing committee shall prepare such agreements and contracts as may be necessary for the execution of this division consistent with its provisions.

191—20.48(515,515F) Annual and special meetings.

20.48(1) There shall be an annual meeting of the insurers on a date fixed by the governing committee at which time members may be chosen.

20.48(2) A special meeting shall be called by the governing committee within 40 days after receipt of written request from any ten insurers, not more than one of which may be in a group under the same management or ownership.

20.48(3) The time and place of all meetings shall be reasonable. Twenty days' notice of an annual or special meeting shall be given in writing by the governing committee to all insurers defined above. Four members present in person or by proxy shall constitute a quorum. Voting by proxy shall be permitted.

20.48(4) Any matter not inconsistent with the law or this division may be proposed and voted upon at any special meeting of the committee. Notice of any such proposal shall be mailed to each insurer not less than 20 days prior to the final date fixed by the committee for voting thereon.

191—20.49(515,515F) Application for insurance.

20.49(1) Any person who has an insurable interest in an eligible risk in property permitted to be written in the Plan and who has received within the last six months a notice of rejection, nonrenewal or cancellation from an insurer may apply for insurance by the Plan.

20.49(2) An inspection need not be made if the governing committee determines that insurance can be provided for specified classes of risks on the basis of representations of the applicant or insurance producer.

20.49(3) The Plan may bind coverage. The Plan may wait until receipt of the inspection report or receipt of additional underwriting information before determining whether to bind coverage. Coverage will be bound by the Plan by acknowledgement to the producer.

191—20.50(515,515F) Inspection procedure.

20.50(1) The inspection by the Plan shall be without cost to the applicant.

20.50(2) The manner and scope of the inspection shall be prescribed by the Plan with the approval of the commissioner.

20.50(3) An inspection report shall be made for each property inspected covering pertinent structural and occupancy features as well as the general condition of the building and surrounding structures. Representative photographs may be taken during the inspection to indicate the pertinent features of building, construction, maintenance, occupancy, and surrounding property.

20.50(4) After the inspection, a copy of the completed inspection report and any relevant photographs shall be kept on file by the Plan. The report shall include a description of any deficient physical condition changes proposed by the inspector. A copy of the inspection report shall be made available to the applicant or producer upon request.

191—20.51(515,515F) Procedure after inspection and receipt of application.

20.51(1) After receipt of the application, the inspection report, and any additional underwriting information requested from the applicant, the Plan shall within five business days complete and send to the applicant an action report advising the applicant of one of the following:

a. That the risk is acceptable. If the inspection reveals substandard conditions, appropriate charges may be imposed, but the report shall specify the improvements necessary for removal of each such charge.

b. That the risk is declined unless reasonable improvements noted in the action report are made by the applicant and confirmed by reinspection.

c. That the risk is declined because it fails to meet reasonable underwriting standards as set forth in 20.52(515,515F). Reasonable underwriting standards as set forth in 20.52(515,515F) shall not include neighborhood or area location or any environment hazard beyond the control of the property owner.

20.51(2) If the risk is accepted, the action report shall advise the applicant of:

a. The amount of coverage the Plan agrees to write.

b. The amount of coverage the Plan agrees to write if specified improvements are made.

c. The amount of coverage the Plan agrees to write only if a large or special deductible is agreed to by the applicant.

20.51(3) If the risk is accepted, the Plan, upon receipt of the premium, shall deliver the policy to the applicant or to the licensed producer designated by the applicant for delivery to the applicant. The Plan shall remit the commissions to the licensed producer designated by the applicant.

191—20.52(515,515F) Reasonable underwriting standards for property coverage.

20.52(1) The following characteristics may be used in determining whether a risk is acceptable for property coverage. Where there is more than one cause for declination, all causes shall be listed and complied with before the property may be accepted for insurance purposes.

a. Physical condition of property; however, the mere fact that a property does not satisfy all current building code specifications will not, of itself, suffice as a reason for declination.

b. The property's present use as extended vacancy or extended unoccupancy of the property for 60 consecutive days. Properties that are vacant or unoccupied for more than 60 days may be insured while rehabilitation or reconstruction work is actively in process, meaning that the insured or owner should make monthly progress in order to complete the rehabilitation or reconstruction within a one-year time frame.

c. Other specific characteristics of ownership, condition, occupancy or maintenance that violate the law and that result in substantial increased exposure to loss. Any circumstance considered under this paragraph must relate to the peril insured against.

d. Physical condition of buildings which results in an outstanding order to vacate, in an outstanding demolition order or in being declared unsafe in accordance with the applicable law.

e. One or more of the conditions for nonrenewal as listed in 191—20.54(515,515F) currently exist. The Plan shall upon notice that conditions at the buildings have changed consider new application for coverage.

f. Vandalism and malicious mischief coverage shall not be provided for a dwelling or commercial property where the property has been subject to two vandalism and malicious mischief losses, each loss amounting to at least \$500, in the immediately preceding 12-month period, or three or more such losses in the immediately preceding 24-month period.

g. Previous loss history or matters of public record concerning the applicant or any person defined as an insured under the policy.

h. Any other guidelines which have been approved by the commissioner.

20.52(2) Reserved.

[ARC 8624B, IAB 3/24/10, effective 4/28/10]

191—20.53(515,515F) Reasonable underwriting standards for liability coverage.

20.53(1) The following characteristics may be used in determining whether a risk is acceptable for liability insurance on homeowner policies:

a. Broken, cracked, uneven or otherwise faulty steps, porches, decks, sidewalks, patios and similar areas.

b. Downspouts or drains which discharge onto sidewalks or driveways.

c. Unsafe conditions including inadequate lighting of stairways.

d. Animals known to be vicious or animals that have caused a liability claim.

e. Swimming pools or private ponds not fenced in accordance with local regulations.

f. Unsafe, or the absence of, handrails.

g. Junk cars, empty refrigerators, trampolines or other potentially dangerous objects in the yard which are an attraction to children.

h. Previous loss history or matters of public record concerning the applicant or any person defined as an insured under the policy.

i. Any other guidelines which have been approved by the commissioner.

20.53(2) Liability insurance shall only be provided as contained in the Iowa FAIR Plan homeowners policy.

20.53(3) Liability insurance shall not be provided for risks with any of the deficiencies set forth in paragraphs 20.53(1) “a” through “g,” as disclosed by the application or inspection, until the deficiencies have been corrected.

20.53(4) Liability insurance may not be provided where there is a business operating at the insured location, unless the applicant has in force a business liability policy with limits of at least \$100,000 per occurrence providing premises liability coverage.

20.53(5) Liability insurance shall not be provided where the applicant owns three or more horses or other riding animals, unless the applicant has in force a liability policy with limits of at least \$100,000 per occurrence providing coverage for the ownership and use of the horses or other riding animals.

191—20.54(515,515F) Cancellation; nonrenewal and limitations; review of eligibility.

20.54(1) The Plan shall not cancel or refuse to renew a policy issued by the Plan except for the following reasons:

a. Facts as confirmed by inspection or investigation which would have been grounds for nonacceptance of the risk by the Plan had they been known to the Plan at the time of acceptance.

b. Changes in the physical condition of the property or other changed conditions as confirmed by inspection or investigation that make the risk uninsurable pursuant to paragraphs “j” and “k.”

c. Nonpayment of premiums.

d. At least 65 percent of the rental units in the building are unoccupied, and the insured has not received prior approval from the Plan of a rehabilitation program which necessitates a high degree of unoccupancy.

e. Unrepaired damage exists and the insured has stated that repairs will not be made, or such time has elapsed as clearly indicates that the damage will not be repaired. The elapsed time under this paragraph is a length of time over 60 days where the damage remains unrepaired, unless there are known to be extenuating circumstances.

f. After a loss, permanent repairs have not been commenced within 60 days following payment of the claim, unless there are known to be extenuating circumstances. The 60-day period starts upon acceptance of payment of the claim.

g. Property has been abandoned for 90 days or more.

h. There is good cause to believe, based on reliable information, that the building will be burned for the purpose of collecting the insurance on the property. The removal of damaged salvageable items, such as normally permanent fixtures, from the building shall be considered under this paragraph when the insured can provide no reasonable explanation for such removal.

i. A named insured or loss payee or other person having a financial interest in the property being convicted of the crime of arson or a crime involving a purpose to defraud an insurance company. The fact that an appeal has been entered shall not negate the use of this paragraph.

j. The property has been subject to more than two losses, each loss amounting to at least \$500 or 1 percent of the insurance in force, whichever is greater, in the immediately preceding 12-month period, or more than three such losses in the immediately preceding 24-month period, provided that the cause of such losses is due to the conditions which are the responsibility of the owner named insured or due to the actions of any person defined as an insured under the policy.

k. Theft frequency in which there have been more than two thefts, each loss amounting to at least \$500, in a 12-month period.

l. Material misrepresentation in any statement to the Plan.

m. On homeowners policies, excessive theft or liability losses. If a given property has been subject to two vandalism and malicious mischief losses, each loss amounting to at least \$500, in the immediately preceding 12-month period, or three or more such losses in the immediately preceding 24-month period, the Plan may convert the homeowners policy to a dwelling policy without vandalism and malicious mischief coverage.

20.54(2) The Plan shall terminate all insurance contracts in accordance with Iowa Code sections 515.125, 515.127, and 515.128.

20.54(3) At the completion of 36 months of coverage and prior to the completion of 48 months, each risk shall be reviewed for its eligibility for coverage in the voluntary market. The risk shall be submitted by the Plan to the producer of record, if any, for a search of the voluntary market. If the producer resubmits the risk to the Plan, the risk must be resubmitted with a new application and a written statement from the producer that a search of the voluntary market was performed.

[ARC 8624B, IAB 3/24/10, effective 4/28/10]

191—20.55(515,515F) Assessments.

20.55(1) Participation and assessments by and upon each insurer in the Plan for losses and expenses in connection with Plan business shall be levied and assessed by the governing committee of the Plan on the basis of participation factors determined annually, giving effect to the proportion which such insurer's weighted premiums written bears to the aggregate weighted premiums written by all insurers in the Plan.

20.55(2) De minimis assessments. Any assessment of less than \$20 shall not be billed to an insurer, but will be accumulated as a deferred assessment until the cumulative amount deferred is at least \$20.

20.55(3) Late payment fee. Assessments shall be due and payable when billed. If any member fails to pay an assessment within 60 days after it is due, the insurer shall pay interest from the billing date at the rate of 1.5 percent per month. In the event that an insurer fails to pay any applicable late payment fee with an assessment, the amount of such unpaid late payment fee will be included in the amount of the insurer's next assessment.

20.55(4) Credits for voluntary writings. The Plan may develop a voluntary writing credit policy, subject to approval by the commissioner. Credits may be used as offsets to member company assessments made by the Plan.

191—20.56(515,515F) Commission.

20.56(1) Commission to the licensed producer designated by the applicant shall be 10 percent of all policy premiums. The Plan shall not license or appoint producers.

20.56(2) In the event of cancellation of a policy, or if an endorsement is issued which requires the premium to be returned to the insured, the producer shall refund proportionally to the Plan commissions on the return premium at the same rate at which such commissions were originally paid.

191—20.57(515,515F) Public education. In cooperation with the insurance commissioner, the Plan shall undertake a continuing education program with insurers, producers and consumers about the Plan's insurance program and its availability. All insurers and producers shall cooperate fully in the continuing education program. Such continuing education program will include the publication and distribution of literature:

1. Describing the Plan and its general operation;
2. Explaining the possible cost savings of obtaining insurance in the voluntary market; and
3. Advising of the availability of rate comparison charts.

191—20.58(515,515F) Cooperation and authority of producers.

20.58(1) Each insurer shall require its licensed producers to cooperate fully in the accomplishment of the intents and purposes of the Plan.

20.58(2) Licensed insurance producers shall not act as agents for the Plan.

20.58(3) Licensed insurance producers shall not do any of the following:

- a. Bind coverage for the Plan.
- b. Alter or change policies issued by the Plan.
- c. Settle losses of the Plan.
- d. Act on behalf of the Plan or commit the Plan to any course of action.

20.58(4) Licensed insurance producers shall assist applicants who need to apply for coverage under the Plan, and shall submit applications that meet the requirements under rule 20.49(515,515F). Producers shall follow the rules and procedures of the Plan.

191—20.59(515,515F) Review by commissioner. The governing committee shall report to the commissioner the name of any insurer or producer which fails to comply with the provisions of the Plan or with any rules prescribed thereunder by the governing committee or to pay within 30 days any assessment levied.

191—20.60(515,515F) Indemnification. Each person serving on the governing committee or any of its subcommittees, each member of the Plan, and the manager and each officer and employee of the Plan shall be indemnified by the Plan against all cost, settlement, judgment, and expense actually and necessarily incurred by that person in connection with the defense of any action, suit, or proceeding in which that person is made a party by reason of that person's being or having been a member of the governing committee or a member or manager or officer or employee of the Plan, except in relation to matters as to which that person has been judged in an action, suit, or proceeding to be liable by reason of willful misconduct in the performance of that person's duties as a member of the governing committee or as a member, manager, officer or employee of the Plan. This indemnification shall not apply to any loss, cost or expense on insurance policy claims under the Plan. Indemnification under this rule shall not be exclusive of other rights to which the member, manager, officer, or employee may be entitled as a matter of law.

191—20.61 to 20.69 Reserved.

These rules are intended to implement 2003 Iowa Acts, chapter 119.

DIVISION III
CERTIFICATES OF INSURANCE FOR COMMERCIAL LENDING TRANSACTIONS

191—20.70(515) Purpose. The purpose of division III is to clarify what information an insurance company regulated by the division may provide its customer in connection with a commercial real estate transaction between the customer and a lender.

[ARC 0133C, IAB 5/30/12, effective 5/9/12]

191—20.71(515) Definitions. For purposes of division III, the following definitions shall apply:

"ACORD" means the Association for Cooperative Operations Research and Development.

"Commercial real estate transaction" means a non-recourse commercial lending transaction in which the underlying property serves as the primary collateral securing the borrower's repayment of the loan and neither the borrower nor any of its members, partners, or shareholders, nor any related person to any of the aforementioned persons, bears the economic risk of loss in the event of a payment default under the terms of the lending transaction.

"Division" means the insurance division.

"ISO" means the insurance services office.

[ARC 0133C, IAB 5/30/12, effective 5/9/12]

191—20.72(515) Evidence of insurance.

20.72(1) Prior to the issuance of an insurance policy by an insurer, an insured who has entered into a commercial real estate transaction may request that the relevant insurer or a producer acting on behalf of the insurer provide the following items as evidence of insurance:

a. An ACORD Form 75, a successor ACORD form, an ISO binder form, or a substantially similar binder form approved by the division; and

b. An ACORD Form 28, a successor ACORD form, an ISO certificate form, or a substantially similar certificate of insurance form approved by the division.

The insurer or the producer acting on behalf of an insurer has the sole discretion to determine which division-approved binder form or certificate of insurance form the insurer or producer uses to comply with this rule.

20.72(2) An insurer or a producer acting on behalf of an insurer shall comply with a request made pursuant to this rule within 20 business days of the receipt of the request. The requirements of this rule shall not apply to an insurance producer who:

- a. Is unauthorized to provide the documents described in this rule; and
- b. Informs the insured of this fact within 20 business days of the receipt of the request.

20.72(3) Delivery of a binder along with a certificate of insurance requested pursuant to this rule may be accomplished by regular mail, overnight delivery, facsimile, physical delivery, electronic means, or other appropriate means.

20.72(4) Notwithstanding any language on a form provided pursuant to subrule 20.72(1) which language states that the form is for “information only,” a binder together with a certificate of insurance delivered pursuant to this rule shall be valid and may be relied upon by the borrower or by the borrower’s lender as evidence of insurance, including in any private civil action or administrative proceeding, until the delivery of the insurance policy to the borrower or the cancellation of the binder pursuant to Iowa Code sections 515.125 to 515.127.

20.72(5) An insurer or producer acting on behalf of an insurer that produces or delivers a binder and certificate of insurance to its customer pursuant to this rule may charge a reasonable fee for the production and delivery of the documents.

20.72(6) All insurers and all producers subject to this rule shall comply with the terms hereof within 90 days from May 9, 2012.

[ARC 0133C, IAB 5/30/12, effective 5/9/12]

These rules are intended to implement 2011 Iowa Code Supplement chapter 515.

[Filed July 1, 1975]

[Filed 4/11/79, Notice 2/7/79—published 5/2/79, effective 6/7/79]

[Filed 11/20/80, Notice 9/17/80—published 12/10/80, effective 1/15/81]

[Filed 7/11/86, Notice 6/4/86—published 7/30/86, effective 9/3/86]¹

[Editorially transferred from [510] to [191], IAC Supp. 10/22/86; see IAB 7/30/86]

[Filed emergency 6/24/88—published 7/13/88, effective 7/1/88]

[Filed 12/9/88, Notice 11/2/88—published 12/28/88, effective 2/1/89]

[Filed 7/20/90, Notice 6/13/90—published 8/8/90, effective 9/12/90]

[Filed 2/7/97, Notice 1/1/97—published 2/26/97, effective 4/2/97]

[Filed 3/29/01, Notice 10/18/00—published 4/18/01, effective 7/1/01]

[Filed 11/19/03, Notice 10/1/03—published 12/10/03, effective 1/14/04]

[Filed 11/5/04, Notice 9/29/04—published 11/24/04, effective 12/29/04]

[Filed 10/5/06, Notice 8/30/06—published 10/25/06, effective 11/29/06]

[Filed 11/2/06, Notice 9/27/06—published 11/22/06, effective 12/27/06]

[Filed 3/9/07, Notice 1/31/07—published 3/28/07, effective 5/2/07]

[Filed emergency 4/18/07—published 5/9/07, effective 5/2/07]

[Filed ARC 8624B (Notice ARC 8492B, IAB 1/27/10), IAB 3/24/10, effective 4/28/10]

[Filed Emergency After Notice ARC 0133C (Notice ARC 0070C, IAB 4/4/12), IAB 5/30/12, effective 5/9/12]

¹ See IAB Insurance Division

CHAPTER 51 HOSPITALS

[Prior to 12/14/88, see Health Department[470] Ch 51]

[Prior to 8/8/90, see Public Health[641] Ch 51]

481—51.1(135B) Definitions. As used in this chapter, unless the context otherwise requires, the following definitions apply:

“Critical access hospital” means any hospital located in a rural area and certified by the Iowa department of public health as being a necessary provider of health care services to residents of the area. A “critical access hospital” makes available 24-hour emergency care, is a designated provider in a rural health network, and meets the criteria specified pursuant to 481—51.53(135B). If swing-bed approval has been granted, all 25 beds may be used interchangeably for acute or skilled nursing facility level of care services.

“Department” means the Iowa department of inspections and appeals.

“Governing board” means the board of trustees, the owner or the person or persons designated by the owner as the governing authority who shall have supreme authority in the hospital and be responsible for the management, control, and appointment of the medical staff.

“Governmental unit” means the state, or any county, municipality, or other political subdivision, or any department, division, board or other agency of any of the foregoing.

“Hospital” or *“general hospital”* means an institution, place, building, or agency represented and held out to the general public as ready, willing and able to furnish care, accommodations, facilities and equipment for the diagnosis or treatment, over a period exceeding 24 hours, of two or more nonrelated individuals suffering from illness, injury, infirmity or deformity, or other physical or mental condition for which medical, surgical and obstetrical care services are provided. The term “hospital” does not include the following:

1. Any institution for well children, day nursery and child care center, foster boarding homes or houses, and homes for disabled children. However, such institutions that have a dual function, including nursing and medical care, and care of the sick are required to be licensed.
2. Homes, houses or institutions for aged persons which limit their functions to room and board and provide no medical or nursing care and house no bedridden person.
3. Dispensary or first-aid stations maintained for the care of employees, students, customers, and members of any commercial or industrial plant, educational institution, or convent.

“Long-term acute care hospital” means any hospital that has an average inpatient length of stay greater than 25 days, and that provides extended medical and rehabilitative care for patients who are clinically complex and who may suffer from multiple acute or chronic conditions. Services provided by a long-term acute care hospital include but are not limited to comprehensive rehabilitation, respiratory therapy, head trauma treatment, and pain management. A long-term acute care hospital shall meet the requirements for a general hospital including emergency services, except that obstetrical facilities are not required, and, if the long-term acute care hospital is located within a separately licensed hospital and does not provide its own emergency services, the long-term acute care hospital shall contract for emergency services with the host general hospital.

“Medical staff” means an organized body that is composed of individuals appointed by the hospital governing board, that operates under bylaws approved by the governing board and that is responsible for the quality of medical care provided to patients by the hospital. All members of the medical staff, one of whom shall be a licensed physician, shall be licensed to practice in the state of Iowa.

“Person” means any individual, firm, partnership, corporation, company, association, or joint stock association and includes any trustee, receiver, assignee, or other similar representative.

“Premises” means any or all designated portions of a building or structure, enclosures or places in the building, or real estate when the distinct and clearly identifiable parts provide separate care and services. The definition of “premises” shall not be construed to permit the existence of a separately licensed specialty hospital within the physical structure of a general hospital. A specialty hospital shall be

defined pursuant to 42 CFR Section 411.351 and any amendments thereto, or pursuant to any regulations promulgated by the Secretary of Health and Human Services.

“Registered nurse” means a person who has graduated from an accredited school of nursing and who is registered in the state of Iowa.

“Specialized hospital” means any hospital devoted primarily to the specialized care and treatment of persons with chronic or long-term illness, injury, or infirmity. The diagnosis, treatment or care shall be administered by or performed under the direction of persons especially qualified in the diagnosis and treatment of the particular illness, injury, or infirmity. A specialized hospital shall meet the requirements for a general hospital. “Specialized hospital” as defined in this rule does not include a specialty hospital defined pursuant to 42 CFR Section 411.351.

481—51.2(135B) Classification, compliance and license.

51.2(1) Classification. For the purpose of administering the hospital licensing law, all institutions subject to licensure shall be classified as a critical access hospital, general hospital, long-term acute care hospital, or specialized hospital. The license issued by the department shall clearly identify the classification of the hospital.

51.2(2) Compliance requirements for each classification. A hospital shall comply with all of the general regulations for hospitals and shall comply with regulations pertaining to specialized services, if specialized services are provided in the hospital.

51.2(3) Separate license required. A separate license shall be required for each hospital even though more than one is operated under the same management. A separate license is not required for separate buildings of a hospital located on separate parcels of land, which are not adjoining but provide elements of the hospital’s full range of services for the diagnosis, care, and treatment of human illness, including convalescence and rehabilitation, and which are organized under a single owner or governing board with a single designated administrator and medical staff.

51.2(4) Posting of license. The license shall be conspicuously posted on the premises.

51.2(5) The department shall recognize, in lieu of its own licensure inspection, the comparable inspections and inspection findings of The Joint Commission (JC), the American Osteopathic Association (AOA), or Det Norske Veritas (DNV), if the department is provided with copies of all requested materials relating to the inspection process. In cases of the initial licensure, the department may require its own inspection when needed in addition to comparable accreditations to allow the hospital to begin operations. The department may also initiate its own inspection when it is determined that the inspection findings of the JC, AOA, or DNV are insufficient to address concerns identified as possible licensure issues.

51.2(6) Hospitals not accredited by the JC, AOA, or DNV shall be inspected by the department utilizing the current Medicare conditions of participation found in Title XVIII of the federal Social Security Act and 42 CFR Part 482, Subparts A, B, C, D, and E, or 42 CFR Part 485, Subpart F, as of October 1, 2006. Licensed-only hospitals shall be inspected utilizing the requirements of this chapter. The department may promulgate additional standards. The department may recognize, in lieu of its own licensure inspection, the comparable inspection and inspection findings of a Medicare conditions of participation survey.

This rule is intended to implement Iowa Code chapter 135B.

[ARC 9253B, IAB 12/1/10, effective 1/5/11]

481—51.3(135B) Quality improvement program. There shall be an ongoing hospitalwide quality improvement program. This program is to be designed to improve, as needed, the quality of patient care by:

1. Assessing clinical patient care;
2. Assessing nonclinical and patient-related services within the hospital;
3. Developing remedial action as needed;
4. Ongoing monitoring and evaluating of the progress of remedial action taken.

51.3(1) The governing body shall ensure there is an effective hospitalwide patient-oriented quality improvement program.

51.3(2) The quality improvement program shall involve active participation of physician members of the hospital's medical staff and other health care professionals, as appropriate. Evidence of this participation will include ongoing case review and assessment of other patient care problems which have been identified through the quality improvement process.

51.3(3) There shall be a written plan for the quality improvement program that:

- a.* Describes the program's objectives, organization, scope, and mechanisms for overseeing the effectiveness of monitoring, evaluation, and problem-solving activities;
- b.* Ensures participation from all departments, services (including services provided both directly and under contract), and disciplines;
- c.* Provides for assessment of participation through a quality improvement committee meeting on an established periodic basis;
- d.* Provides for coordination of quality improvement activities;
- e.* Ensures communication, reporting and documentation of all quality improvement activities on a regular basis to the governing board, the medical staff, and the hospital administrator;
- f.* Provides for an annual evaluation by the governing board of the effectiveness of the quality improvement program; and
- g.* Addresses accessibility and confidentiality of materials relating to, generated by or part of the quality improvement process.

This rule is intended to implement Iowa Code chapter 135B.

481—51.4(135B) Long-term acute care hospital located within a general hospital.

51.4(1) If a long-term acute care hospital occupies the same building, premises or physical location of a general hospital, all treatment facilities and administrative offices for each hospital shall be clearly marked and separated from each other, and located within the licensed premises of each licensee.

- a.* Treatment facilities shall be sufficient to meet the medical needs of the patients.
- b.* Administrative offices shall include, but not be limited to, record rooms and personnel offices.
- c.* There shall be clearly identifiable and distinguishable signs for each hospital.

51.4(2) If a long-term acute care hospital occupies the same building, premises or physical location of a general hospital, each hospital shall have its own entrance. The separate entrance shall have appropriate signs and shall be clearly identifiable as belonging to a particular hospital. Nothing shall prohibit a long-term acute care hospital that is occupying the same building, premises or physical location as a general hospital from utilizing the entrance, hallway, stairs, elevators or escalators of the general hospital to provide access to the long-term acute care hospital's separate entrance.

51.4(3) A long-term acute care hospital located within a general hospital shall have sufficient staff to meet the patients' needs. No nursing services staff of either the long-term acute care hospital or the host general hospital shall be simultaneously assigned patient duties in both licensed hospitals.

51.4(4) Each long-term acute care hospital located within a general hospital and the host general hospital shall have a separate and distinct governing board, which shall be in control of the respective hospital. No more than one board member shall serve in a common capacity on the governing board of each licensed hospital. For the purposes of this rule, control exists if an individual or an organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or institution.

51.4(5) A long-term acute care hospital located within a general hospital may contract with the host general hospital for the provision of services, including but not limited to pharmaceutical, radiological, laboratory, food and dietetic, surgical, anesthesia, emergency, housekeeping, laundry and environmental, or other services necessary to maintain a clean and safe physical environment. The contract shall be executed by the governing boards of the long-term acute care hospital and the host general hospital. All contracts shall clearly delineate the responsibilities of and services provided by the long-term acute care hospital and the host general hospital.

51.4(6) Any life safety code violation identified by the state fire marshal during an inspection of a licensee may be a life safety code violation for both the long-term acute care hospital and the general hospital.

481—51.5(135B) Medical staff.

51.5(1) A roster of medical staff members shall be kept.

51.5(2) All hospitals shall have one or more licensed physicians designated for emergency call service at all times.

51.5(3) A hospital shall not deny clinical privileges to physicians and surgeons, podiatrists, osteopaths or osteopathic surgeons, dentists, certified health service providers in psychology, physician assistants or advanced registered nurse practitioners licensed under Iowa Code chapter 148, 148C, 149, 150, 150A, 152, or 153 or section 154B.7 solely by reason of the license held by the practitioner or solely by reasons of the school or institution in which the practitioner received medical schooling or postgraduate training if the medical schooling or postgraduate training was accredited by an organization recognized by the council on postsecondary accreditation or an accrediting group recognized by the United States Department of Education.

51.5(4) A hospital shall establish and implement written criteria for the granting of clinical privileges. The written criteria shall include, but not be limited to, consideration of the:

- a. Ability of the applicant to provide patient care services independently or appropriately in the hospital;
- b. License held by the applicant to practice;
- c. Training, experience, and competence of applicant;
- d. Relationship between the applicant's request for privileges and the hospital's current scope of patient care services;
- e. Applicant's ability to provide comprehensive, appropriate and cost-effective services.

481—51.6(135B) Patient rights and responsibilities. The hospital governing board shall adopt a statement of principles relating to patient rights and responsibilities. In developing a statement of principles, the hospital may use reference statements of patient rights and responsibilities developed by the American Hospital Association, The Joint Commission (JC), the American Osteopathic Association (AOA), Det Norske Veritas (DNV), and other appropriate sources.

51.6(1) The statement of principles shall be made available to patients of the hospital.

51.6(2) The statement of principles regarding patient rights shall, at a minimum, address:

- a. Access to treatment regardless of race, creed, sex, national origin, diagnosis, or source of payment for care;
- b. Preservation of individual dignity and protection of personal privacy in receipt of care;
- c. Confidentiality of medical and other appropriate information;
- d. Assurance of reasonable safety within the hospital;
- e. Knowledge of the identity of the physician or other practitioner primarily responsible for the patient's care as well as identity and professional status of others providing services to the patient while in the hospital;
- f. Nature of patient's right to information regarding the patient's medical condition unless medically contraindicated, to consult with a specialist at the patient's request and expense, and to refuse treatment to the extent authorized by law;
- g. Access to and explanation of patient billings; and
- h. Process for patient pursuit of grievances.

51.6(3) The statement of principles regarding patient responsibilities shall, at a minimum, address:

- a. Need of patient to provide accurate and complete information regarding the patient's health status;
- b. Need of patient to follow recommended treatment plans;
- c. Requirement that patient abide by hospital rules and regulations affecting patient care and conduct and be considerate of the rights of other patients and hospital personnel; and

d. Obligation to fulfill the patient's financial obligations as soon as possible following discharge.

This rule is intended to implement Iowa Code chapter 135B.

[ARC 9253B, IAB 12/1/10, effective 1/5/11]

481—51.7(135B) Abuse.

51.7(1) Definitions.

a. Mental abuse includes, but is not limited to, humiliation, harassment, and threats of punishment or deprivation.

b. Physical abuse includes, but is not limited to, corporal punishment and the use of restraints as punishment.

c. Sexual abuse includes, but is not limited to, the exposing of pubes to a patient, and the exposure of a patient's genitals, pubes, breasts or buttocks, fondling or touching the inner thigh, groin, buttocks, anus, or breast of a patient or the clothing covering these areas for sexual satisfaction, sexually suggestive comments or remarks made to a patient, a genital-to-genital or oral-to-genital contact or the commission of a sexual offense under Iowa Code chapter 709 or Iowa Code section 726.2.

d. Domestic abuse, as defined in Iowa Code section 236.2, means the commission of assault under either of the following circumstances:

(1) The assault is between family or household members who resided together at the time of the assault; or

(2) The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault.

e. Family or household members, as defined in Iowa Code section 236.2, are spouses, persons cohabiting, parents, or other persons related by consanguinity or affinity, except children under the age of 18.

51.7(2) Abuse prohibited. Each patient shall receive kind and considerate care at all times and shall be free from mental, physical, and sexual abuse.

a. Restraints shall be applied only when they are necessary to prevent injury to the patient or to others and shall be used only when alternative measures are not sufficient to accomplish their purposes.

b. There must be a written order signed by the attending physician approving the use of restraints either at the time they are applied or as soon thereafter as possible.

c. Careful consideration shall be given to the methods by which the restraints can be speedily removed in case of fire or other emergency.

51.7(3) Domestic abuse. Each hospital shall establish and implement protocols with respect to victims of domestic abuse.

a. The policies and procedures shall at a minimum provide for:

(1) An interview with the victim in a place that ensures privacy;

(2) Confidentiality of the person's treatment and information;

(3) Sharing of information regarding the domestic abuse hotline and programs; and

(4) Education of appropriate emergency department staff to assist in the identification of victims of domestic abuse.

b. The treatment records of victims of domestic abuse shall include:

(1) An assessment of the extent of abuse to the victim specifically describing the location and extent of the injury and reported pain;

(2) Evidence that the victim was informed of the telephone numbers for the domestic abuse hotline and domestic abuse programs, and the victim's response;

(3) A record of the treatment and intervention by health care provider personnel;

(4) A record of the need for follow-up care and specification of the follow-up care to be given (e.g., X-rays, surgery, consultation, similar care); and

(5) The victim's statement of how the injury occurred.

51.7(4) Child abuse and dependent adult abuse. Each hospital shall ensure that written policies and procedures cover all requirements for the mandatory reporting of abuse pursuant to the Iowa Code.

Each hospital shall provide that the treatment records of victims of child abuse or dependent adult abuse include a statement that the department of human services protective services was contacted.

481—51.8(135B) Organ and tissue—requests and procurement.

51.8(1) Each hospital licensed in accordance with Iowa Code chapter 135B shall have in place written policies and protocols for organ and tissue donation. Hospital policies and protocols for organ and tissue donation shall require that the patient, or appropriate person able to consent on behalf of the patient, be made aware of the option to donate as well as the option to refuse donation and the ability, if any, to revoke consent once given.

a. Hospitals shall be familiar with the uniform anatomical gift law, Iowa Code chapter 142C, and shall develop policies and protocols for consent to organ and tissue donation by either the patient or an appropriate person to consent on the patient's behalf consistent with that law's provisions.

b. Hospital policies and protocols for organ and tissue donation shall set forth the responsibilities of the attending physician or physicians, nursing staff, and other appropriate hospital staff persons in the organ and tissue donation process. At a minimum, the policies shall set forth who in particular is authorized to make an organ or tissue donor request and that all such requests shall be made only in accordance with clearly delineated written protocol approved by the hospital's medical staff and governing board.

c. Hospital policies and protocols for organ and tissue donation shall provide that the attending physician inform appropriate family members or others of impending death or that death has occurred prior to an organ or tissue donor request.

d. Hospital policies and protocols for organ and tissue donation shall set forth those situations in which donation shall not be made including, but not necessarily limited to, the following:

(1) Where the patient is not medically suitable, as determined by the organ or tissue procurement organization;

(2) Where the hospital lacks the appropriate facilities or equipment for maintaining the patient or the organs for the time and in the manner necessary to facilitate appropriate procurement of the organ(s);

(3) Where the medical examiner has refused to release the body, except a donor request may be made where the medical examiner indicates that the body will be available at a time where the patient remains medically suitable for organ or tissue donation;

(4) Where the hospital has appropriate documentation that the patient or the appropriate person to consent on behalf of the patient does not want to consider the donation option;

(5) Rescinded IAB 8/6/03, effective 9/10/03.

e. Hospital policies and protocols for organ and tissue donation shall require documentation in the patient's medical record of the fact that a donor request was made and either accepted or refused, stating to whom the request was made and who accepted or refused; or that a donor request was not made, stating the reason why no request was made; or that a consent previously given was subsequently revoked.

f. Method and manner of consent, where consent to organ or tissue donation has been given, shall be noted in the patient's medical record. Where revocation of consent, if applicable, occurs, the manner and method of revocation shall also be noted in the patient's medical record.

g. Where the patient has validly executed a donation prior to death, attempt will be made to notify appropriate family members, if reasonably available, of the donation before the procurement process begins.

h. Hospital policies and protocols for organ and tissue donation shall provide for ongoing communication with the patient's family or other appropriate representatives regarding the donation process, the present status of that process and unexpected delays in the process, and family rights and responsibilities following organ or tissue donation.

51.8(2) Determination of death.

a. No organ or tissue shall be removed from a donor until death has been determined according to the requirements of Iowa law and generally acceptable standards of medical practice.

b. Death is defined by Iowa Code section 702.8 as a condition determined by the following standards:

A person will be considered dead if in the announced opinion of a physician licensed pursuant to Iowa Code chapter 148, 150, or 150A, a physician assistant licensed pursuant to Iowa Code chapter 148C, or a registered nurse or a licensed practical nurse licensed pursuant to Iowa Code chapter 152, based on ordinary standards of medical practice, that person has experienced an irreversible cessation of spontaneous respiratory and circulatory functions. In the event that artificial means of support preclude a determination that these functions have ceased, a person will be considered dead if in the announced opinion of two physicians, based on ordinary standards of medical practice, that person has experienced an irreversible cessation of spontaneous brain functions. Death will have occurred at the time when the relevant functions ceased.

c. The surgeon performing the organ removal shall not participate in the determination of brain death.

d. The patient's medical record shall include documentation of the date and time of death and identification of the practitioner or practitioners who determined death, as provided in 51.8(2) "b."

51.8(3) Determination of medical suitability.

a. At or near the time of the patient's death or when death has occurred, no organ and tissue donor request shall be made until the patient has been determined by the designated organ or tissue procurement organization to be medically suitable for organ or tissue donation.

b. Each hospital shall consult with a recognized organ and tissue procurement program or programs in establishing medical requirements for organ and tissue donation and in evaluating a particular patient's suitability for donation. Where required by federal law, hospitals shall work only with organ or tissue procurement organizations designated by the Department of Health and Human Services (DHHS). Organ and tissue procurement programs maintain guidelines for determining medical suitability and generally will provide a hospital with a copy of those guidelines which may be incorporated into the hospital's own policies and protocol for organ and tissue donation.

51.8(4) Organ and tissue procurement.

a. Hospital policies and protocol for organ and tissue donation shall set forth the process to be used for contacting an organ procurement organization (OPO).

b. Hospitals with an agreement with the designated OPO shall take into account the terms and conditions of the agreement in developing their policies and protocols. Hospitals shall contact only the OPO designated by the federal Department of Health and Human Services.

c. Generally an OPO will assume the costs of procuring medically suitable organs and tissues, including costs borne by the donating hospital in maintaining the patient until organ retrieval can occur as well as in the retrieval process itself. A hospital shall be familiar with its financial obligations, if any, in the procurement process and with cost accounting/reporting responsibilities it bears, if any, under Medicare and Medicaid. In situations, if any, where the patient or the patient's family may be liable for certain costs associated with organ donation or procurement, the patient or person able to consent for the patient shall be fully informed of the potential financial obligations at the time of request and before consent is either given or refused.

d. When an organ or tissue is retrieved for transplantation purposes, the hospital shall ensure that the medical records of the donor and, if applicable, the recipient fulfill the requirements for any surgical inpatient medical record. Medical record documentation shall include the method of maintenance of the patient while awaiting organ or tissue retrieval and operative report documentation (including an autopsy if an autopsy has been performed) regarding the removal of the organ or tissue.

e. The procurement process shall not occur until necessary consent by the patient or appropriate person to consent on behalf of the patient is received and documented. Also, in cases requiring the involvement of the medical examiner, release of the body must be authorized by the medical examiner and documented.

f. Where a donor specifies to whom the organ or tissue donation is to be made, the hospital shall first contact the named donee to determine whether the donee accepts the donation. Where the donee refuses the donation or is unable for other reasons to accept, then the hospital shall document in the

medical record the fact that the donation was not accepted. The hospital shall then notify the appropriate consenting party that the donation was not accepted and determine whether the consenting party desires to make further donation. A hospital shall make good faith effort to cooperate in the donation/procurement process where a specific donee has been named but shall not be required to participate in the donation process where procurement for a specific donee would result in undue burden or unreasonable cost to the hospital; in such situations, the hospital shall notify the appropriate consenting party and determine whether the consenting party desires to make further donation.

g. Where consent has been given for organ or tissue donation, revocation of prior consent, if applicable, shall not be effective once surgical procedures have begun on either the donor or the recipient.

51.8(5) Informed consent. Hospital policies and protocols for organ and tissue donation shall be consistent with informed consent provisions provided by the organ or tissue procurement organization.

51.8(6) Confidentiality. Hospital policies and protocols for organ and tissue donation shall provide that donor and recipient patient-identifying information shall be kept confidential except and only to the extent necessary to assist and complete the procurement and transplant process.

51.8(7) Training of hospital personnel. Hospital policies and protocols for organ and tissue donation shall include provisions for initial and ongoing training of hospital medical, nursing, and other appropriate staff persons regarding the various aspects of the organ and tissue donation and procurement process. The type and extent of training will vary from hospital to hospital, based on factors such as likelihood of medically suitable donors, capabilities for maintaining organ donors/patients, referral sources for potential organ and tissue donor candidates, and overall participation in organ and tissue procurement and transplants.

This rule is intended to implement Iowa Code section 135B.7.

481—51.9(135B) Nursing services.

51.9(1) The hospital shall have an organized nursing service which shall provide complete and efficient nursing care to each patient. The authority, responsibility and function of each nurse shall be clearly defined.

51.9(2) Registered nurse(s) shall utilize the nursing process in the provision of nursing care to each patient. The nursing process includes:

- a. Nursing assessment about the health status of the patient, analysis of the data, and formation of a nursing diagnosis;
- b. Planning of nursing care which includes determining goals and priorities for actions which are based on the nursing diagnosis;
- c. Nursing interventions implementing the plan of care;
- d. Evaluation of patient status in relation to established goals and the plan of care.

51.9(3) Licensed practical nurse(s) shall participate in the nursing process as described in subrule 51.9(2) consistent with accepted practice by assisting the registered nurse or physician.

51.9(4) All nurses employed in a hospital who practice nursing as a registered nurse or licensed practical nurse shall be licensed in Iowa.

51.9(5) There shall be a director of nursing service with administrative and executive competency who shall be a registered nurse licensed in the state of Iowa.

51.9(6) Supervisors and head nurses shall have had preparation courses and experience in accordance with hospital policy commensurate with the responsibility of the specific assignment.

51.9(7) All nonprofessional workers performing patient-care service shall be under the supervision of a registered nurse. Their duties shall be defined in writing by the hospital and they shall be instructed in all duties assigned to them.

51.9(8) The nursing service shall have adequate numbers of licensed registered nurses, licensed practical nurses, and other personnel to provide nursing care essential for the proper treatment, well-being, and recovery of the patient.

51.9(9) Written policies and procedures shall be established for the administrative and technical guidance of the personnel in the hospital. Each employee shall be familiar with these policies and procedures.

51.9(10) Each hospital shall have a minimum of one registered nurse on duty at all times.

481—51.10(135B) Water supply. Rescinded IAB 12/22/93, effective 1/26/94.

481—51.11(135B) Sewage disposal. Rescinded IAB 12/22/93, effective 1/26/94.

481—51.12(135B) Records and reports.

51.12(1) *Medical records.* Accurate and complete medical records shall be written for all patients and signed by the attending physician. These records shall be filed and stored in an accessible manner in the hospital and in accordance with the statute of limitations as specified in Iowa Code chapter 614.

51.12(2) *Hospital records.*

- a. Admission records.* A register of all admissions to the hospital shall be maintained.
- b. Death records.* A record of all deaths in the hospital shall be kept, including all information required on a standard death certificate as specified in Iowa Code chapter 144.
- c. Birth records.* A record of all births in the hospital shall be kept, including all information required on a standard birth certificate as specified in Iowa Code chapter 144.
- d. Controlled substance records.* Controlled substance records shall be maintained in accordance with state and federal laws, rules and regulations.

51.12(3) *Annual reports.* Annual reports shall be filed with the Iowa department of public health within three months after termination of each fiscal year in accordance with Iowa Code section 135.75.

481—51.13(135B) Sterilizing equipment. Rescinded IAB 12/22/93, effective 1/26/94; see 481—51.50(135B).

481—51.14(135B) Pharmaceutical service.

51.14(1) *General requirements.* Hospital pharmaceutical services shall be licensed in accordance with Iowa board of pharmacy examiners rules in 657—Chapter 7.

51.14(2) *Medication administration.* All drugs and biologicals must be administered by, or under the supervision of, nursing or other trained personnel in accordance with hospital policies and procedures. The person assigned the responsibility of medication administration must complete the entire procedure by personally preparing the dose from a multiple-dose container or using a prepackaged unit dose, personally administering it to the patient, and observing the act of the medication being taken.

51.14(3) *Medication orders.* All verbal orders must be authenticated in writing and signed by the prescribing practitioner within a period not to exceed 30 days following a patient's discharge.

When telephone, oral or electronic mechanisms are used to transmit medication orders, they must be accepted only by personnel that are authorized to do so by hospital policies and procedures in a manner consistent with federal and state law.

51.14(4) *Standing orders.* Standing orders for drugs may be used for specified patients when authorized by the prescribing practitioner. These standing orders shall be in accordance with policies and procedures established by the appropriate committee within each hospital. At a minimum, the standing orders shall:

- a.* Specify the circumstances under which the drug is to be administered;
- b.* Specify the types of medical conditions of the patients for whom the standing orders are intended;
- c.* Be reviewed and revised by the prescribing practitioner on a regular basis as specified by hospital policies and procedures;
- d.* Be specific as to the drug, dosage, route, and frequency of administration; and
- e.* Be dated, signed by the prescribing practitioner within a period not to exceed 30 days following a patient's discharge, and included in the patient's medical record.

51.14(5) *Self-administration of medications.* Patients shall only be permitted to self-administer medications when specifically ordered by the prescribing practitioner and the prescribing practitioner has determined this practice is safe for the specific patient. The hospital shall develop policies and procedures regarding storage and documentation of the administration of drugs.

481—51.15(135B) Screens. Rescinded IAB 12/22/93, effective 1/26/94; see 481—51.50(135B).

481—51.16(135B) Radiological services.

51.16(1) The hospital must maintain, or have available, radiological services to meet the needs of the patients.

51.16(2) All radiological services including diagnostic, fluoroscopy, mammography, therapeutic, and nuclear medicine furnished by the hospital or its agent shall be furnished in compliance with 641 IAC Chapters 38 to 42.

481—51.17(135B) Laundry. Rescinded IAB 12/22/93, effective 1/26/94; see 481—51.50(135B).

481—51.18(135B) Laboratory service.

51.18(1) The hospital must maintain, or have available, adequate laboratory and pathology services and facilities to meet the needs of its patients. The medical staff shall determine which laboratory tests are necessary to be performed on site to meet the needs of the patients.

51.18(2) Emergency laboratory services must be available 24 hours a day.

51.18(3) The hospital must ensure that all laboratory services provided to its patients are performed in a laboratory certified in accordance with the Code of Federal Regulations in 42 CFR Part 493, October 1, 2004.

51.18(4) All laboratory services shall be under the supervision of a physician, preferably a clinical pathologist.

481—51.19 Reserved.

481—51.20(135B) Food and nutrition services.

51.20(1) *Food and nutrition service definition.* “Food service” means providing safe, satisfying, and nutritionally adequate food for patients through the provision of appropriate staff, space, equipment, and supplies. “Nutrition service” means providing assessment and education to ensure that the nutritional needs of the patients are met.

51.20(2) *General requirements.*

a. All food shall be handled, prepared, served, and stored in compliance with the requirements of the 2005 Food and Drug Administration Food Code with Supplement adopted under provisions of Iowa Code section 137F.2.

b. The food service shall provide food of the quality and quantity to meet the patient’s needs in accordance with the qualified health practitioner’s orders and, to the extent medically possible, to meet the current Recommended Dietary Allowances, adopted by the Food and Nutrition Board of the National Research Council, National Academy of Sciences, and the following:

(1) Not less than three meals shall be served daily unless contraindicated.

(2) Not more than 14 hours shall elapse between the evening meal and breakfast of the following day.

(3) Nourishment between meals shall be available to all patients unless contraindicated by the qualified health care practitioner.

(4) Patient food preferences shall be respected as much as possible, and substitutes shall be offered through use of appropriate food groups.

(5) When food is provided by a contract food service, all applicable requirements set forth herein shall be met. The hospital shall maintain adequate space, equipment, and staple food supplies to provide patient food service in emergencies.

c. Policies and procedures shall be developed and maintained in consultation with representatives of the medical staff, nursing staff, food and nutrition service staff, pharmacy staff, and administration to govern the provision of food and nutrition services. Policies and procedures shall be approved by the medical staff, administration, and governing body.

d. A current diet manual approved by the dietitian and the medical staff shall be used as the basis for diet orders and for planning therapeutic diets. The diet manual shall be reviewed, revised and updated

at least every five years. Copies of the diet manual shall be readily available to all medical, nursing, and food service personnel.

e. Therapeutic diets shall be provided as prescribed by the qualified health care practitioner and shall be planned, prepared, and served with supervision or consultation from the licensed dietitian. Persons responsible for therapeutic diets shall have sufficient knowledge of food to make appropriate substitutions when necessary.

f. The patient's diet card shall state likes, dislikes, food allergies, and other pertinent information.

g. Menus.

(1) Menus for regular and therapeutic diets shall be written, approved, dated and available in the food service area at least one week in advance.

(2) If meals served vary from the planned menu, the change shall be noted in writing as part of the available menu. A copy of the menu as served shall be kept on file for at least 30 days.

(3) Menus should be planned with consideration for cultural and religious background and food habits of patients.

(4) Standardized recipes with nutritional analysis adjusted to number of portions shall be maintained and used in food preparation.

h. Food shall be prepared by methods that conserve nutritive value, flavor, and appearance. Food shall be served attractively at appropriate and safe temperatures and in a form to meet individual needs.

i. Nutritional care.

(1) Nutrition screening shall be conducted by qualified hospital staff to determine the patient's need for a comprehensive nutrition assessment by the licensed dietitian.

(2) Nutritional care shall be integrated in the patient care plan, as appropriate, based upon the patient's diagnosis and length of stay.

(3) The licensed dietitian shall record in the patient's medical record any observations and information pertinent to medical nutrition therapy.

(4) Pertinent dietary records shall be included in the patient's transfer discharge record to ensure continuity of nutritional care.

(5) Upon discharge, nutrition counseling and education shall be provided to the patient and family as ordered by the qualified health care practitioner, requested by the patient or deemed appropriate by the licensed dietitian.

j. In-service training, in accordance with hospital policies, shall be provided for all food and nutrition service personnel. A record of subject areas covered, date and duration of each session, and attendance lists shall be maintained. In-service records shall be kept for a minimum of one year.

k. On the nursing units, a separate patient food storage area shall be maintained that ensures proper temperature control.

51.20(3) *Food and nutrition service staff.*

a. A licensed dietitian shall be employed on a full-time, part-time or consulting basis. Part-time or consultant services shall be provided on the premises at appropriate times on a regularly scheduled basis. These services shall be of sufficient duration and frequency to provide continuing liaison with medical and nursing staffs, advice to the administrator, patient counseling, guidance to the supervisor and staff of the food and nutrition service, approval of all menus, and participation in the development or revision of departmental policies and procedures and in planning and conducting in-service education programs.

b. If a licensed dietitian is not employed full-time, then one must be employed on a part-time or consultation basis with an additional full-time person who has completed a 250-hour dietary manager course and who shall be employed to be responsible for the operation of the food service.

c. Sufficient food service personnel shall be employed, oriented, trained, and their working hours scheduled to provide for the nutritional needs of the patients and to maintain the food service areas. If food service employees are assigned duties in other service areas, those duties shall not interfere with the sanitation, safety, or time required for food service work assignments.

51.20(4) *Food service equipment and supplies.* Equipment necessary for preparation and maintenance of menus, records, and references shall be provided. At least one week's supply of staple

foods and a reasonable supply of perishable foods shall be maintained on the premises. Supplies shall be appropriate to meet the requirements of the menu.

[ARC 9252B, IAB 12/1/10, effective 1/5/11]

481—51.21 Reserved.

481—51.22(135B) Equipment for patient care. Hospital equipment shall be selected, maintained and utilized in accordance with the needs of the patients.

51.22(1) *Furnishings, supplies and equipment.* Rescinded IAB 12/1/99, effective 1/5/00.

51.22(2) *Hot water bags.* Rescinded IAB 12/1/99, effective 1/5/00.

51.22(3) *Restraints.* Rescinded IAB 3/30/94, effective 5/4/94. See rule 51.7(135B).

51.22(4) *Signals.* Rescinded IAB 12/1/99, effective 1/5/00.

51.22(5) *Screens.* Rescinded IAB 12/1/99, effective 1/5/00.

51.22(6) *Storage space.* Rescinded IAB 12/1/99, effective 1/5/00.

481—51.23 Reserved.

481—51.24(135B) Infection control. There shall be proper policies and procedures for the prevention and control of communicable diseases. The hospital shall provide for compliance with the rules for the control of communicable disease as provided by the state department of public health in 641—Chapter 1, 1987 and 1988 Centers for Disease Control (CDC) guidelines on universal precautions and 1985 CDC guidelines for hand washing.

51.24(1) *Segregation.* There shall be proper arrangement of areas, rooms and patients' beds to provide for the prevention of cross-infections and the control of communicable diseases.

a. There shall be proper procedures for the cleansing of rooms and surgeries, immediately following the care of a communicable case.

b. Segregation of communicable cases shall include policies for the medical, nursing and lay staffs, providing for proper isolation technique in order to prevent cross-infection.

51.24(2) *Visitors.* The governing authority of the hospital shall establish proper policies for the control of visitors to all services in the hospital in accordance with hospital practice. In the maternity area, each hospital should develop its own criteria, control measures, and protocols to ensure against introduction of infection in this critical area. These criteria should be reviewed and approved by the committee of the hospital.

51.24(3) *Health examinations.* Health examinations for all personnel shall be required at the commencement of employment and thereafter at least every four years. The examination shall include, at a minimum, the health and tuberculosis status of the employee. Consideration shall be given to requiring health examinations at shorter intervals for those employees working in high-risk areas.

51.24(4) *Notification.* Prior to removal of a deceased resident/patient from a facility, the funeral director or person responsible for transporting the body shall be notified by the facility staff of any special precautions that were followed by the facility having to do with the mode of transmission of a known or suspected communicable disease.

This rule is intended to implement Iowa Code section 135B.7.

481—51.25 Reserved.

481—51.26(135B) Surgical services. All hospitals providing surgical services shall be properly organized and equipped to provide for the safe and aseptic treatment of surgical patients.

51.26(1) Written policies and procedures shall be implemented governing surgical services that are consistent with the needs of the patient and the resources of the hospital. Policies and procedures shall be developed in consultation with and the approval of the hospital's medical staff. At a minimum, the policies and procedures shall provide for:

a. Surgical services under the direction of a qualified doctor of medicine or osteopathy.

b. Delineation of the privileges and qualifications of individuals authorized to provide surgical services as set forth in the hospital's medical staff bylaws and in accordance with subrule 51.5(4). The surgical service must maintain a roster of these individuals specifying the surgical privileges of each. Surgical privileges shall be reviewed and updated at least once every two years.

c. Immediate availability of at least one registered nurse for the operating room suites to respond to emergencies.

d. The qualifications and job descriptions of nursing personnel, surgical technicians, and other support personnel and continuing education required.

e. Appropriate staffing for surgical services including physician and anesthesia coverage and other support personnel.

f. Availability of ancillary services for surgical patients including, but not limited to: blood banking, laboratory, radiology, and anesthesia.

g. Infection control and disease prevention, including aseptic surveillance and practice, identification of infected and noninfected cases, sterilization and disinfection procedures, and ongoing monitoring of infections and infection rates.

h. Housekeeping requirements.

i. Safety practices.

j. Ongoing quality assessment, performance improvement, and process improvement.

k. Provisions for the pathological examination of tissue specimens either directly or through contractual arrangements.

l. Appropriate preoperative teaching and discharge planning.

Reference sources to guide hospitals in the development of policies and procedures are: "Statement of Principles," March 1994 Edition, American College of Surgeons; and "Standards and Recommended Practices," 1995 Edition, Association of Operating Room Nurses.

51.26(2) Policies and procedures may be adjusted as appropriate to reflect the provision of surgical services in inpatient, outpatient or one-day surgical settings.

51.26(3) There must be an appropriate history and physical workup documented and a properly executed consent form in the chart of each patient prior to surgery, except in the event of an emergency.

51.26(4) An operative report must be written or dictated promptly following surgery and signed by the individual conducting the surgery.

51.26(5) Equipment available in the operating room, recovery room, outpatient surgical areas, and for postsurgical care, must be consistent with the needs of the patient.

51.26(6) The surgical facilities shall be constructed in accordance with 481—51.50(135B).

481—51.27 Reserved.

481—51.28(135B) Anesthesia services.

51.28(1) There shall be written policies and procedures governing anesthesia services which are consistent with the needs and resources of the hospital.

a. Policies and procedures shall be developed in consultation with and with the approval of the hospital's medical staff.

b. At a minimum, the policies and procedures shall provide:

(1) Anesthesia services shall be provided under the direction of a qualified doctor of medicine or osteopathy.

(2) Delineation of the qualifications of individuals authorized to administer anesthesia as set out in the hospital's medical staff bylaws or medical staff rules and regulations.

(3) For preanesthesia evaluation, appraisal of a patient's current condition, preparation of an intraoperative anesthesia record, and discharge criteria for patients.

(4) For equipment functioning and safety, including ensuring that a qualified medical doctor, osteopathic physician and surgeon or anesthetist checks, prior to the administration of anesthesia, the readiness, availability, cleanliness, and working condition of all equipment to be used in the administration of anesthetic agents.

(5) For minimizing electrical hazards in all anesthetizing areas.

(6) Quality assurance which shall at least include infection control procedures; integration of anesthesia services into various areas of the hospital; and ongoing monitoring, review, and evaluation of anesthesia services, processes, and procedures.

51.28(2) Policies and procedures may be adjusted as appropriate to reflect provision of anesthesia services in inpatient, outpatient, or one-day surgery settings.

This rule is intended to implement Iowa Code section 135B.7.

481—51.29 Reserved.

481—51.30(135B) Emergency services. All hospitals shall provide for emergency service which offers reasonable care within the medical capabilities of the facility in determining whether an emergency exists, renders care appropriate to the facility and at a minimum renders lifesaving first aid and makes appropriate referral to a facility that is capable of providing needed services.

51.30(1) The hospital has written policies and procedures specifying the scope and conduct of patient care to be provided in the emergency service.

a. The policies specify the mechanism for providing physician coverage at all times as defined by the medical staff bylaws.

b. The policies provide for a planned, formal training program required of all personnel providing patient care in the emergency service. This program shall cover emergency care for patients of all ages.

c. The policies require that a medical record be kept on every patient given treatment in the emergency service and establish the medical record documentation. The documentation should include at a minimum appropriate information regarding the medical screening provided, except where the person refuses, then notation of patient refusal; physician documentation of the presence or absence of an emergency medical condition or active labor; physician documentation of transfer or discharge, stating the basis for transfer or discharge; and where transfer occurs, identity of the facility of transfer, acceptance of the patient by the facility of transfer, and means of transfer of the patient.

d. The policies and procedures are reviewed and approved annually by the governing board.

51.30(2) Hospital policies and procedures shall be developed in accordance with the hospital's medical, technological, personnel and equipment capabilities.

481—51.31 Reserved.

481—51.32(135B) Obstetric and neonatal services.

51.32(1) All general or specialized hospitals providing for the obstetrical care of maternity patients shall be properly organized and equipped to provide accommodations for mothers and newborn infants. The supervision of the maternity area shall be under the direction of a qualified registered nurse, and there shall be accommodations for the isolation of infected cases.

51.32(2) Written policies and procedures shall be implemented governing obstetric and neonatal services that are consistent with the needs of the patient and resources of the hospital. Policies and procedures shall be developed in consultation with and with the approval of the hospital's medical staff. At a minimum, the policies and procedures shall provide for:

a. Obstetric and neonatal services under the direction of a qualified doctor of medicine or osteopathy.

b. Delineation of the privileges and qualifications of individuals authorized to provide obstetrical/gynecological service as set out in the hospital's medical staff bylaws.

c. The qualifications of nursing personnel and continuing education required.

d. Adequate staffing for obstetrical and newborn services.

e. Location and arrangement of obstetric and newborn services.

f. Infection control and disease prevention.

g. Ongoing quality assessment.

Reference sources to guide hospitals in the development of policies and procedures are: 641—Chapter 150, Iowa Regionalized System of Perinatal Health Care, Iowa Administrative Code, and Guidelines for Perinatal Care, Fourth Edition, American Academy of Pediatrics, American College of Obstetrics and Gynecology.

481—51.33 Reserved.

481—51.34(135B) Pediatric services.

51.34(1) All general or specialized hospitals providing pediatric care shall be properly organized and equipped to provide appropriate accommodations for children. The supervision of the pediatric area shall be under the direction of a qualified registered nurse.

51.34(2) Written policies and procedures shall be implemented governing pediatric services that are consistent with the needs of the child and resources of the hospital. Policies and procedures shall be developed in consultation with and the approval of the hospital's medical staff. At a minimum, the policies and procedures shall provide for:

- a. Pediatric services under the medical direction of a qualified doctor of medicine or osteopathy.
- b. Delineation of the privileges and qualifications of individuals authorized to provide pediatric services as set out in the hospital's medical staff bylaws.
- c. The qualifications of nursing personnel and continuing education required, including care in the event of emergency situations.
- d. Adequate staffing and equipment for pediatric services including ancillary services. Staff participating in the care of pediatric patients shall have an interest in pediatrics and shall have specialized education appropriate to their profession for the care of pediatric patients.
- e. Ancillary services for pediatric patients shall be available and include, but not be limited to, pharmaceutical care, laboratory services, respiratory therapy, physical therapy and speech therapy.
- f. Ongoing quality assessment.
- g. Written protocol for transfer of pediatric patients in the event the hospital does not have capability to provide care for these patients.

Reference sources to guide hospitals in the development of policies and procedures are American Academy of Pediatrics' 1994 Policy Reference Guide and policy statements which are published on a monthly basis in "Pediatrics" and "Pediatric Dosage Handbook," Third Edition, American Pharmaceutical Association.

51.34(3) There shall be proper facilities and procedures for the isolation of pediatric patients with communicable diseases.

481—51.35 Reserved.

481—51.36(135B) Psychiatric services.

51.36(1) Any institution operating as a psychiatric hospital or operating a designated psychiatric unit shall:

- a. Be a hospital or unit primarily engaged in providing, by or under the supervision of a doctor of medicine or osteopathy, psychiatric services for the diagnosis and treatment of persons with psychiatric illnesses/disorders;
- b. Meet the general and specialized rules of this chapter pertaining to general hospitals. If medical and surgical diagnostic and treatment services are not available within the institution, the institution shall have an agreement with an outside source of these services to ensure they are immediately available;
- c. Have policies and procedures for informing patients of their rights and responsibilities and for ensuring the availability of a patient advocate; and
- d. Have sufficient numbers of qualified professionals and support staff to evaluate patients, formulate written individualized comprehensive treatment plans, provide active treatment measures, and engage in discharge planning.

51.36(2) Personnel.

a. Director of inpatient psychiatric services. The director of inpatient psychiatric services shall be a doctor of medicine or osteopathy qualified to meet the training and experience requirements for examination by the American Board of Psychiatry and Neurology or the American Osteopathic Board of Neurology and Psychiatry. The number and qualifications of doctors of medicine or doctors of osteopathy on staff must be adequate to provide essential psychiatric and medical services.

b. Director of psychiatric nursing services. The director of psychiatric nursing services shall:

- (1) Be a registered nurse who has a master's degree in psychiatric or mental health nursing; or
- (2) Be qualified by education and two years' experience in the care of persons with mental disorders.

c. Psychological services. Psychological services shall be provided or available which are in compliance with Iowa Code chapter 154B.

d. Social services. Social services shall provide, or have available by contract, at least one staff member who has:

- (1) A master's degree from an accredited school of social work; or
- (2) A bachelor's degree in social work with two years' experience in the care of persons with mental disorders.

e. Therapeutic services. Therapeutic activities shall be provided by qualified therapists. The activities shall be appropriate to the needs and interests of the patients.

51.36(3) Individual written plan of care. An individual written plan of care shall be developed by an interdisciplinary team of a physician and other personnel who are employed by, or who provide service under contract to patients in the facility. The plan of care shall:

a. Be based on a diagnostic and psychiatric evaluation that includes examination of the medical, psychological, social, behavioral, and developmental aspects of the patient. The initial diagnostic and psychiatric evaluation shall be completed within 60 hours of admission;

b. Be developed by an interdisciplinary team in consultation with the patient, the patient's legal guardian, and others who are currently providing services or who will provide care upon discharge;

c. State treatment objectives through measurable and obtainable outcomes;

d. Prescribe an integrated program of therapies, activities, and experiences designed to meet those objectives;

e. Include an appropriate postdischarge plan with coordination of services to provide continuity of care following discharge; and

f. Be reviewed as needed or at least every 30 days by the interdisciplinary team for the continued appropriateness of the plan and for a determination of needed changes.

481—51.37 Reserved.

481—51.38(135B) Long-term care service.

51.38(1) *Long-term care service definition.* Long-term care service means any building or distinct part of a building utilized by the hospital for the provision of a service (except as provided by 51.38(2) below) that falls within the definition of a health care facility as specified in Iowa Code chapter 135C and Iowa Code section 135C.1(12), nursing facility, as it would be applied were it not operating as part of a hospital licensed under Iowa Code chapter 135B.

51.38(2) *Long-term care service general requirements.* The general requirements for the hospital's long-term care service shall be the same as required by Iowa Code chapter 135C and the rules promulgated under its authority for the category of health care facility involved. Exceptions to those rules requiring distinct parts to be established may be waived where it is found to be in the best interest of the long-term care resident and of no detriment to the patients in the hospital.

Requests for variances to other rules for which equivalent health, safety and welfare provisions are provided may be made in accordance with the appropriate health care facility rules. In any case where a distinct part has been established for long-term residents or where the department has given approval for the intermingling of such residents with acute care patients, the same provisions and rules promulgated under Iowa Code chapter 135C shall be applicable. These rules include, but are not limited

to, the same restrictions, obligations, programs of care, personal and rehabilitative services and all of the conveniences and considerations which the residents would normally have received in a licensed health care facility.

51.38(3) *Long-term care service staff.* The staffing requirements for the hospital's long-term care service shall be the same as required by Iowa Code chapter 135C and the rules promulgated under its authority for the category of health care facility involved. Where a hospital operates a freestanding nursing care facility, it shall be under the administrative authority of a licensed nursing home administrator who will be responsible to the hospital's administrator. Where a hospital operates a distinct part long-term care unit under the auspices of the hospital license, a licensed nursing home administrator is not required.

51.38(4) *Long-term care service equipment and supplies.* The equipment and supplies required for the hospital's long-term care service shall be the same as required by Iowa Code chapter 135C and the rules promulgated under its authority for the category of health care facility involved.

51.38(5) *Long-term care service space.* The space requirements for the various areas and resident rooms of the hospital's long-term care service shall be the same as required by Iowa Code chapter 135C and the rules promulgated under its authority for the category of health care facility involved.

481—51.39(135B) Penalty and enforcement. See Iowa Code sections 135B.14 to 135B.16.

481—51.40(135B) Validity of rules. If any provision of these rules or the application thereof to any person or circumstances shall be held invalid, such validity shall not affect the provisions or application of these rules which can be given effect without the invalid provision or application, and to this end the provisions of these rules are declared to be severable.

481—51.41 to 51.49 Reserved.

481—51.50(135B) Minimum standards for construction.

51.50(1) *Minimum standards.* Hospitals and off-site premises licensed under this chapter shall be built in accordance with the following construction standards.

a. Construction shall be in accordance with the standards set forth in Part 2 and other applicable provisions of the Guidelines for Design and Construction of Health Care Facilities, 2010 edition, produced by the Facility Guidelines Institute.

b. A critical access hospital as defined in rule 481—51.1(135B) shall meet the standards for construction for small primary care hospitals set forth in Part 2.3 of the Guidelines for Design and Construction of Health Care Facilities, 2010 edition, produced by the Facility Guidelines Institute, with the following exceptions:

(1) The patient room capacity requirements contained in section 2.3-2.2.2.1(1) shall not apply. The maximum number of beds per room shall be two.

(2) The first paragraph of section 2.3-2.2.4.6 is amended to read as follows: "The small primary care hospital shall include the following:".

(3) Section 2.3-3.4.1, which limits the types of surgical procedures, shall not apply.

c. Existing hospitals, critical access hospitals, and off-site premises built in compliance with prior editions of the hospital construction guidelines will be deemed in compliance with subsequent regulations, with the exception of any new structural renovations, additions, functional alterations, or changes in utilization to existing facilities, which shall meet the standards specified in this subrule.

d. In jurisdictions without a local building code enforcement program, the construction shall be in conformance with the state building code, as authorized by Iowa Code section 103A.7, in effect at the time of plan submittal for review and approval. In jurisdictions with a local building code enforcement program, local building code enforcement must include both the adoption and enforcement of a local building code through plan reviews and inspections.

A hospital or off-site premises that is required to meet the provisions of the state building code shall be deemed to be in compliance with the fire safety requirements of the state building code if the

hospital or off-site premises is in compliance with the provisions of rule 661—205.5(100). In any case in which an applicable requirement of the Life Safety Code, 2000 edition, is inconsistent with an applicable requirement of the state building code, the hospital shall be deemed to be in compliance with the state building code requirement if the Life Safety Code requirement is met.

Rule 661—301.5(103A) shall not be applicable to hospitals and other structures required under this chapter to meet the provisions of the state building code.

e. The design and construction of a hospital or off-site premises shall be in conformance with NFPA 101: Life Safety Code 2000 as published by the National Fire Protection Association.

51.50(2) *Submission of construction documents.*

a. Submissions of architectural technical documents, engineering documents, and plans and specifications to the building code commissioner are the responsibility of the owner of the building or facility, although the actual submission may be completed by an authorized agent of the owner or the responsible design professional.

b. “Responsible design professional” means a registered architect or licensed professional engineer who signs the documents submitted.

c. Plans, specifications and other supporting information shall be sufficiently clear and complete to show in detail that the proposed work will comply with the requirements of the applicable provisions of the state building code.

d. In section 107.2.5 of the International Building Code, 2009 edition, the word “permit” shall be replaced by the words “plan review.”

e. Submittals to the commissioner shall be certified or stamped and signed as required by Iowa Code chapters 542B and 544A unless the applicant has certified on the submittal to the applicability of a specific exception under Iowa Code section 544A.18 and the submittal does not constitute the practice of professional engineering as defined by Iowa Code section 542B.2.

f. The responsible design professional shall certify that the building plans meet the requirements specified in subrule 51.50(1), unless a variance has been granted pursuant to subrule 51.50(3).

51.50(3) *Variances.* The director of the department may grant variances to building and construction guidelines as contained in the 2010 edition of the Guidelines for Design and Construction of Health Care Facilities. The hospital or off-site premises must submit a variance request in writing to the director. The request must demonstrate how patient safety and the quality of care offered will not be compromised by the variance. The facility must demonstrate its ability to completely fulfill all other requirements of the service. The director shall make a written determination of the request. In determining whether a variance request shall be granted, the director shall give consideration to the following conditions and to any other conditions the director deems relevant:

a. The design and planning for the specific property shall offer improved or compensating features which provide equivalent desirability and utility;

b. Alternate or special construction methods, techniques, and mechanical equipment shall offer equivalent durability; utility; safety; structural strength and rigidity; sanitation; odor control; protection from corrosion, decay and insect attack; and quality of workmanship;

c. The health, safety or welfare of any patient shall not be endangered;

d. The variance shall be limited to the specific project under consideration and shall not be construed as establishing a precedent for similar acceptance in other cases;

e. Occupancy and function of the building shall be considered; and

f. The type of licensing shall be considered.

[ARC 9251B, IAB 12/1/10, effective 1/5/11; ARC 0135C, IAB 5/30/12, effective 7/4/12]

481—51.51(135B) Minimum standards for construction after July 8, 1998, and prior to May 22, 2002. Rescinded IAB 12/1/10, effective 1/5/11.

481—51.52(135B) Minimum standards for construction after May 22, 2002. Rescinded IAB 12/1/10, effective 1/5/11.

481—51.53(135B) Critical access hospitals. Critical access hospitals shall meet the following criteria:

51.53(1) The hospital shall be no less than 35 miles from another hospital or no less than 15 miles over secondary roads or shall be designated by the department of public health as a necessary provider of health care prior to January 1, 2006.

51.53(2) The hospital shall be a public or nonprofit hospital and shall be located in a county in a rural area. Rural counties do not include Black Hawk, Johnson, Linn, Polk, Pottawattamie, Scott and Woodbury Counties. All other counties are considered to be in rural areas for purposes of this subrule.

51.53(3) The hospital shall provide 24-hour emergency care services as described in 481 IAC 51.30(135B).

51.53(4) The hospital shall maintain no more than 25 acute care inpatient beds. However, if the hospital provides inpatient psychiatric services in a distinct part unit or inpatient rehabilitation services in a distinct part unit, no more than 10 beds shall be maintained in the distinct part unit. The beds in the distinct part unit are excluded from the 25 inpatient-bed count limit specified in 42 CFR 485.620(a).

51.53(5) The hospital shall meet the Medicare conditions of participation as a critical access hospital as described in 42 CFR Part 485, Subpart F, as of October 1, 2004.

51.53(6) The hospital shall continue to comply with all general hospital license requirements as defined in 481 IAC 51.

51.53(7) The department shall recognize, in lieu of its own inspection, the comparable inspections and inspections findings of The Joint Commission (JC), the American Osteopathic Association (AOA), or Det Norske Veritas (DNV) if the department is provided with copies of all requested materials relating to the inspections and the inspection process.

[ARC 9253B, IAB 12/1/10, effective 1/5/11]

These rules are intended to implement Iowa Code chapter 135B.

[Filed June 30, 1948]

[Filed 9/9/76, Notice 6/14/76—published 10/6/76, effective 11/15/76]

[Filed 11/12/76, Notice 10/6/76—published 12/1/76, effective 1/5/77]

[Filed 11/10/77, Notice 9/7/77—published 11/30/77, effective 1/4/78]

[Filed 12/28/84, Notice 10/10/84—published 1/16/85, effective 4/3/85]

[Filed 1/10/86, Notice 11/6/85—published 1/29/86, effective 3/5/86]

[Filed 4/1/86, Notice 1/1/86—published 4/23/86, effective 5/28/86]

[Filed 5/15/86, Notice 2/26/86—published 6/4/86, effective 7/9/86]

[Filed 5/16/86, Notice 1/1/86—published 6/4/86, effective 7/9/86]

[Filed 1/20/87, Notice 12/3/86—published 2/11/87, effective 3/18/87]

[Filed 3/12/87, Notice 12/31/86—published 4/8/87, effective 5/13/87]

[Filed 5/12/88, Notice 3/9/88—published 6/1/88, effective 7/6/88]¹

[Filed 5/13/88, Notice 3/9/88—published 6/1/88, effective 7/6/88]

[Filed 5/13/88, Notice 4/6/88—published 6/1/88, effective 7/6/88]

[Filed 11/17/88, Notice 8/10/88—published 12/14/88, effective 1/18/89]

[Filed 11/9/89, Notice 8/9/89—published 11/29/89, effective 1/3/90]

[Filed 1/12/90, Notice 11/29/89—published 2/7/90, effective 3/14/90]

[Filed 3/15/90, Notice 12/27/89—published 4/4/90, effective 5/9/90]

[Filed emergency 7/13/90—published 8/8/90, effective 7/20/90]

[Filed 9/28/90, Notice 8/8/90—published 10/17/90, effective 11/21/90][◇]

[Filed 3/12/92, Notice 12/11/91—published 4/1/92, effective 5/6/92]

[Filed 12/2/93, Notices 10/13/93—published 12/22/93, effective 1/26/94][◇]

[Filed 3/11/94, Notice 2/2/94—published 3/30/94, effective 5/4/94]

[Filed 8/12/94, Notice 6/8/94—published 8/31/94, effective 10/5/94]

[Filed 5/16/95, Notice 3/15/95—published 6/7/95, effective 7/12/95]

[Filed 11/30/95, Notice 9/13/95—published 12/20/95, effective 1/24/96]

[Filed 1/25/96, Notice 12/20/95—published 2/14/96, effective 3/20/96]

[Filed 3/19/96, Notice 12/20/95—published 4/10/96, effective 5/15/96]

[Filed 7/11/97, Notice 4/9/97—published 7/30/97, effective 9/3/97]

[Filed 7/24/97, Notice 3/26/97—published 8/13/97, effective 9/17/97]
 [Filed 3/31/98, Notice 11/5/97—published 4/22/98, effective 5/27/98]
 [Filed 5/14/98, Notice 2/25/98—published 6/3/98, effective 7/8/98]
 [Filed 11/12/98, Notice 9/23/98—published 12/2/98, effective 1/6/99]
 [Filed 3/18/99, Notice 2/10/99—published 4/7/99, effective 5/12/99]
 [Filed 5/14/99, Notice 3/10/99—published 6/2/99, effective 7/7/99]
 [Filed 11/12/99, Notice 8/25/99—published 12/1/99, effective 1/5/00]
 [Filed 3/30/00, Notice 2/9/00—published 4/19/00, effective 5/24/00][◇]
 [Filed 9/15/00, Notice 8/9/00—published 10/4/00, effective 11/8/00]
 [Filed 9/13/01, Notice 8/8/01—published 10/3/01, effective 11/7/01][◇]
 [Filed 11/16/01, Notice 8/8/01—published 12/12/01, effective 1/16/02]
 [Filed 3/29/02, Notice 2/6/02—published 4/17/02, effective 5/22/02]
 [Filed 7/17/03, Notice 6/11/03—published 8/6/03, effective 9/10/03]
 [Filed 9/11/03, Notice 8/6/03—published 10/1/03, effective 11/5/03]
 [Filed 7/15/04, Notice 6/9/04—published 8/4/04, effective 9/8/04]
 [Filed 1/12/05, Notice 12/8/04—published 2/2/05, effective 3/9/05]
 [Filed 7/13/05, Notice 6/8/05—published 8/3/05, effective 9/7/05]
 [Filed 1/11/06, Notice 10/12/05—published 2/1/06, effective 3/8/06]
 [Filed 11/15/06, Notice 10/11/06—published 12/6/06, effective 1/10/07]
 [Filed emergency 7/11/07—published 8/1/07, effective 7/11/07]
 [Filed 9/12/07, Notice 8/1/07—published 10/10/07, effective 11/14/07][◇]
 [Filed 3/17/08, Notice 1/30/08—published 4/9/08, effective 5/14/08]
 [Filed ARC 9251B (Notice ARC 9119B, IAB 10/6/10), IAB 12/1/10, effective 1/5/11]
 [Filed ARC 9252B (Notice ARC 9121B, IAB 10/6/10), IAB 12/1/10, effective 1/5/11]
 [Filed ARC 9253B (Notice ARC 9120B, IAB 10/6/10), IAB 12/1/10, effective 1/5/11]
 [Filed ARC 0135C (Notice ARC 0071C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

[◇] Two or more ARCs

¹ Hospital Protocol for Donor Requests as it appeared in IAC 641—Chapter 180 prior to 4/4/90.

CHAPTER 12
CLAIMS FOR INDIGENT DEFENSE SERVICES

493—12.1(13B,815) Scope. This chapter sets forth the rules for submission, payment and court review of indigent defense fee claims. See 493—Chapter 7 for definitions of terms used in this chapter.

12.1(1) The state public defender will pay from the indigent defense fund attorney fees and costs for the following types of cases: commitment of sexually violent predators under Iowa Code chapter 229A; contempt; postconviction relief proceedings to the extent authorized under Iowa Code chapter 822; juvenile justice under Iowa Code section 232.141(3)(c); guardians ad litem for children in juvenile court under Iowa Code chapter 600 or respondents under Iowa Code chapter 600A; fees for appellate attorneys under Iowa Code section 814.11; fees to attorneys under Iowa Code section 815.7; fees for court-appointed counsel under Iowa Code section 815.10; violation of probation or parole under Iowa Code chapter 908; indigent's right to transcript on appeal under Iowa Code section 814.9; indigent's application for transcript in other cases under Iowa Code section 814.10; and special witnesses for indigents under Iowa Code section 815.4.

12.1(2) The state public defender will not pay for the costs for any type of administrative proceeding or any other proceeding under Iowa Code chapter 598, 600, 600A, 633, or 915 or other provisions of the Iowa Code.

12.1(3) The Iowa Code requires the state public defender to approve only those indigent defense fee claims that are reasonable and appropriate under applicable statutes. In exercising this duty, the state public defender publishes rules and makes judgments considering what is statutorily permitted, fair for claimants, fair for indigent clients (who, by law, are required to reimburse the state for the costs of their defense), and consistent with good stewardship of public appropriations.

493—12.2(13B,815) Submission and payment of attorney claims.

12.2(1) Court-appointed attorneys shall submit written claims to the state public defender for review, approval and payment. These claims shall include the following:

a. A completed fee claim on a form promulgated by the state public defender. Adult fee claims, including misdemeanor appeals to district court, postconviction relief and applications for discretionary review or applications for interlocutory appeals to the Iowa supreme court, must be submitted on an Adult form. Juvenile fee claims, including petitions on appeal and applications for interlocutory appeals, must be submitted on a Juvenile form. Appellate fee claims, including claims for work performed after the granting of an application for discretionary review or for interlocutory appeal, or if full briefing is ordered following a petition on appeal, must be submitted on an Appellate form. The claim forms may be downloaded from the state public defender Web site: <http://spd.iowa.gov>. Claims submitted that do not comply with the instructions on the Web site may be returned to the claimant for additional information and resubmission.

b. A copy of all orders appointing the attorney to the case.

(1) The appointment order must be signed by the court and either dated by the court or have a legible file-stamp.

(2) If, at the time of appointment, the attorney does not have a contract to represent indigent persons in the type of case and the county in which the action is pending, the appointment order must include either a finding that no attorney with a contract to represent indigent persons in that specific type of case and that county is available or a finding that the state public defender was consulted and consented to the appointment.

(3) Claims for probation or parole violations and contempt actions are considered new cases, and the attorney must submit a copy of an appointment order for these claims. Appointment orders in parole violation cases to which the attorney was appointed on or after May 5, 2005, must also contain the following findings:

1. The alleged parole violator requests appointment of counsel;
2. The alleged parole violator is indigent as defined in Iowa Code section 815.9;

3. The alleged parole violator, because of lack of skill or education, would have difficulty in presenting the alleged violator's version of a disputed set of facts, particularly when presentation requires the examining or cross-examining of witnesses or the offering or dissecting of complex documentary evidence; and

4. The alleged parole violator has a colorable claim that the alleged violation has not been committed, or there are substantial reasons which justify or mitigate the violation and make revocation inappropriate.

(4) If the venue is changed in a juvenile case, an order appointing the attorney in the new county must be submitted.

(5) An appointment order is not necessary for trial counsel to request or resist an interlocutory appeal or an application for discretionary review.

(6) An appointment order is not necessary if the state public defender determines the appointment order is unnecessary.

c. A copy of any application and court order authorizing the attorney to exceed the attorney fee limitations.

d. A copy of any court order that affects the amount to be paid or the client's right to counsel.

e. An itemization detailing all work performed on the case for which the attorney seeks compensation.

(1) The itemization must separately state the date and amount of time spent on each activity. Time may be reported in either tenths or hundredths of an hour on the itemization but must be recorded in tenths of an hour on the claim form. Time listed in hundredths of an hour on the claim form will be reduced to the nearest tenth of an hour.

(2) The itemization shall separately designate time claimed for in-court time, out-of-court time, paralegal time and travel time.

(3) The itemization must be in chronological order.

(4) The itemization must be typed in at least 10-point type on 8½" × 11" paper.

(5) If the itemization does not indicate the date of the disposition of the case, a copy of the dispositional order must be attached to the claim.

f. If the attorney was privately retained to represent the client prior to appointment, a copy of any representation agreement, written notice of the dollar amount paid to the attorney, and an itemization of services performed and how any funds provided were spent during the period prior to the court appointment. The state public defender will review the amount paid and hours spent before and after the court appointment in determining the appropriate attorney compensation on the claim.

12.2(2) The state public defender shall forward claims to the department for processing and payment only after all reporting requirements have been complied with and the claim has been approved by the state public defender. Claims returned to the attorney for additional information will be processed after the requested information is received.

12.2(3) Claims submitted prior to the date of service will be returned to the claimant and may be resubmitted for processing after the date of service.

12.2(4) Claims for compensation in excess of applicable rates are not payable under the attorney's appointment and will be reduced.

12.2(5) Claims for services rendered prior to the effective date of the attorney's appointment are not payable under the attorney's appointment, and that portion will be denied.

12.2(6) For cases to which the attorney is appointed after June 30, 2004, claims that are not timely will be denied. Time billed on claims which are denied, or which could have been denied, pursuant to this subrule may be included in subsequent claims if timely submitted with regard to a subsequent date of service in the same case. For purposes of this subrule, a probation, parole, or contempt proceeding shall not be deemed the "same case" as the underlying proceeding.

12.2(7) Claims for services that contain charges that are either not reasonable or not appropriate are not payable under the attorney's appointment and will be denied.

12.2(8) Claims for clerical activities, overhead, preparation of the fee claim or itemization of services; for obtaining, preparing, or reviewing an application or order to exceed the fee limitations; or

for preparation of a motion to review or order and any subsequent hearing for review of an attorney fee claim are not payable under the attorney's appointment and will be denied.

12.2(9) Claims for compensation from attorneys whose appointment as counsel or guardian ad litem at the appellate level does not comply with Iowa Code section 814.11 will be denied.

12.2(10) Claims for compensation from attorneys appointed as counsel or guardian ad litem at the trial level may be denied if the appointment does not comply with Iowa Code section 815.10.

a. Claims by attorneys whose appointment in a case as counsel or guardian ad litem at the trial level was made on or after July 1, 2009, shall be denied if the state public defender had filed a designation effective at the time of the appointment designating a local public defender, nonprofit corporation, or attorney to represent indigent persons in that type of case in the county in which the case was filed, unless the appointment order and any supporting documentation submitted with the claim demonstrate that:

(1) The state public defender's designee and any successor designee has withdrawn from the case or has been offered and declined to take the case; or

(2) The state public defender's designee and any successor designee would have withdrawn from or would have declined to take the case had the appointment been offered.

b. Claims by attorneys whose appointment in a case as counsel or guardian ad litem at the trial level was made on or after February 1, 2012, shall be denied unless:

(1) At the time of the appointment, the attorney had a contract with the state public defender to represent indigent persons in that specific type of case and that county in which the the action was pending; or

(2) The appointment order includes a specific finding that no attorney with a contract to represent indigent persons in that specific type of case and that county in which the action was pending is available or a finding that the state public defender was consulted and consented to the appointment.

12.2(11) Time and expenses claimed by an attorney in withdrawing from a case, or related to withdrawing from a case, in order to either retire from the practice of law or pursue another job will be denied.

12.2(12) The following applies to claims by a guardian ad litem for a child who is aged 18 or older and involved in a juvenile court proceeding:

a. The court must enter an order appointing the guardian ad litem for the limited purposes of continuing a relationship with the child and to provide advice to the child relating to the child's transition plan under Iowa Code section 232.2 beyond the child's eighteenth birthday.

b. Neither a parent nor guardian of the child in interest is entitled to court-appointed counsel during the post-age 18 transition period.

c. The guardian ad litem appointment shall end by the earlier of an order of the court relieving the guardian ad litem of further duties or an order of the court closing the juvenile court case.

12.2(13) A court order that affects the amount of a claim and is entered after the date of the state public defender's action, except following court review as provided in rule 493—12.9(13B,815), is void. See Iowa Code section 13B.4(4).

12.2(14) Time and expenses claimed by an attorney for representing a parent in a child in need of assistance case or termination of parental rights case for work performed subsequent to the date on which the termination of that parent's parental rights becomes final, either on appeal or because no appeal was taken, will be denied.

[ARC 8090B, IAB 9/9/09, effective 9/15/09; ARC 8372B, IAB 12/16/09, effective 1/20/10; ARC 9293B, IAB 12/29/10, effective 12/7/10; ARC 9447B, IAB 4/6/11, effective 5/11/11; ARC 9938B, IAB 12/28/11, effective 2/1/12]

493—12.3(13B,815) Interim claims. Claims will be paid at the conclusion of the case unless one of the following applies:

12.3(1) Juvenile cases. An initial claim for services in a juvenile case may be submitted after the dispositional hearing, if any. Subsequent claims may be submitted after each court hearing held in the case. A court hearing does not include family drug court, staffings or foster care review board hearings.

12.3(2) Appellate cases. A claim for work performed to date by an attorney having an appellate contract with the state public defender may be submitted in appellate cases after filing of the attorney's proof brief. A subsequent claim may be submitted at the conclusion of the case.

12.3(3) Specific cases. Interim claims in Class A felony cases may be submitted once every three months, with the first claim submitted at least 90 days following the effective date of the attorney's appointment.

12.3(4) Change of employment. If an attorney is changing law firms, the attorney may submit a claim to end billing at one firm and start billing at the new firm. If payments are to be made to someone other than the law firm which the attorney is leaving, both the attorney and the law firm must advise the state public defender in writing that the attorney is leaving the firm and where the payments should be made.

12.3(5) Other cases. In all other cases, claims filed prior to the conclusion of the case will not be paid except with consent of the state public defender.

12.3(6) Approval of interim claims. Approval of any interim claims shall not affect the right of the state public defender to review subsequent claims or the aggregate amount of the claims submitted.

493—12.4(13B,815) Rate of compensation. Unless the attorney has a contract that provides for a different manner or rate of payment, the following hourly rates shall apply to payment of all claims for cases to which the attorney was appointed after June 30, 1999, and before July 1, 2006:

Attorney time:	Class A felonies	\$60/hour
	Class B felonies	\$55/hour
	All other criminal cases	\$50/hour
	All other cases	\$50/hour
Paralegal time:		\$25/hour

Unless the attorney has a contract that provides for a different manner or rate of payment, the following hourly rates shall apply to payment of all claims for cases to which the attorney was appointed after June 30, 2006, and before July 1, 2007:

Attorney time:	Class A felonies	\$65/hour
	All other criminal cases	\$60/hour
	All other cases	\$55/hour
Paralegal time:		\$25/hour

Unless the attorney has a contract that provides for a different manner or rate of payment, the following hourly rates shall apply to payment of all claims for cases to which the attorney was appointed after June 30, 2007:

Attorney time:	Class A felonies	\$70/hour
	Class B felonies	\$65/hour
	All other criminal cases	\$60/hour
	All other cases	\$60/hour
Paralegal time:		\$25/hour

12.4(1) Applicability to juvenile cases. In a juvenile case to which the attorney was appointed before July 1, 1999, the state public defender will pay the attorney \$50 per hour for all services performed following the dispositional hearing or the first regularly scheduled review hearing occurring after June 30, 1999. In a juvenile case to which the attorney was appointed after June 30, 1999, but before July 1, 2006, the state public defender will pay the attorney \$55 per hour for all services performed following the dispositional hearing or the first regularly scheduled review hearing occurring after June 30, 2006. In

a juvenile case to which the attorney was appointed after June 30, 2006, but before July 1, 2007, the state public defender will pay the attorney \$60 per hour for all services performed following the dispositional hearing or the first regularly scheduled review hearing occurring after June 30, 2007. However, the attorney must file separate claims for services before and after said hearing. If a claim is submitted with two hourly rates on it, the claim will be paid at the lower applicable rate.

12.4(2) *Appointments before July 1, 1999.* In a case to which the attorney was appointed before July 1, 1999, attorney time shall be paid at a rate that is \$5 per hour less than the rates established pursuant to 2000 Iowa Acts, chapter 1115, section 10. Claims for compensation in excess of these rates are not payable under the attorney's appointment and will be reduced.

12.4(3) *Applicability to appellate contracts.* This rule shall not apply to claims from attorneys with appellate contracts with the state public defender.

12.4(4) *All other cases.* As used in this rule, the term "all other cases" includes appeals, juvenile cases, contempt actions, representation of material witnesses, and probation/parole violation cases, postconviction relief cases, restitution, extradition, and sentence reconsideration proceedings without regard to the level of the underlying charge.

493—12.5(13B,815) Appellate contracts. Subject to the provisions of this rule, an attorney who has entered into an appellate contract with the state public defender shall be paid pursuant to the terms of this rule for each appellate case to which the attorney is appointed. This rule applies to all appellate contract claims received by the state public defender on or after December 7, 2010.

12.5(1) *Frivolous appeals.* In an appeal in which the attorney withdraws from a case either based on a determination that the appeal is frivolous or for any other reason or in which the appeal is dismissed prior to the filing of the attorney's proof brief, the attorney shall be paid for all reasonable, necessary and appropriate hours claimed on the itemization at the rate of \$60 per hour.

12.5(2) *Juvenile cases.* For juvenile appeals, the following provisions apply.

a. In a juvenile case in which a petition on appeal is filed, an appointed trial attorney does not need to obtain an appointment order to pursue the petition on appeal. The claim, through the filing of the petition on appeal, must be submitted on a Juvenile form. If an appellate court orders full briefing, subsequent attorney fee claims must be submitted on an Appellate form. Any amount paid on the petition on appeal shall be considered in determining whether the attorney hours claimed on subsequent appellate claims are reasonable and necessary.

b. In an appellate case in which an appointed attorney joins in all or part of the brief of another party, the attorney shall be paid for all reasonable, necessary and appropriate legal services and expenses claimed on the itemization at the rate of \$60 per hour.

12.5(3) *Appeals from a guilty plea.* Notwithstanding the provisions of subrule 12.2(1), an attorney who has entered into an appellate contract with the state public defender and whose client is appealing from a judgment as the result of a guilty plea need not provide an itemization of legal services provided in the appeal if the amount of the attorney fee portion of the claim is \$600 or less. If the amount of the claim is in excess of \$600, the attorney must provide an itemization and will be paid for all reasonable, necessary and appropriate legal services claimed on the itemization at the rate of \$60 per hour, together with permissible out-of-pocket expenses.

12.5(4) *Appeals from a trial.* Notwithstanding the provisions of subrule 12.2(1), an attorney who has entered into an appellate contract with the state public defender and whose client is appealing from a judgment as the result of a jury trial or bench trial need not provide an itemization of legal services provided in the appeal if the amount of the attorney fee portion of the claim is \$1,800 or less. If the amount of the claim is in excess of \$1,800, the attorney must provide an itemization and will be paid for reasonable, necessary and appropriate legal services claimed on the itemization at the rate of \$60 per hour, together with permissible out-of-pocket expenses.

12.5(5) *Applications for further review.* In a case in which an application for further review is filed, the attorney will be paid for all reasonable, necessary and appropriate legal services claimed on the itemization at the rate of \$60 per hour, together with permissible out-of-pocket expenses.

12.5(6) *Application of fee limitations.* The fee limitations and procedures provided in rule 493—12.6(13B,815) have no application to appellate contracts.
 [ARC 9293B, IAB 12/29/10, effective 12/7/10; ARC 9447B, IAB 4/6/11, effective 5/11/11]

493—12.6(13B,815) Attorney fee limitations.

12.6(1) *Adult cases.* The state public defender establishes attorney fee limitations for combined attorney time and paralegal time for the following categories of adult cases:

Class A felonies	\$18,000
Class B felonies	\$3,600
Class C felonies	\$1,800
Class D felonies	\$1,200
Aggravated misdemeanors	\$1,200
Serious misdemeanors	\$600
Simple misdemeanors	\$300
Simple misdemeanor appeals to district court	\$300
Contempt/show cause proceedings	\$300
Proceedings under Iowa Code chapter 229A	\$10,000
Probation/parole violation	\$300
Extradition	\$300
Postconviction relief—the greater of \$1,000 or one-half of the fee limitation for the conviction from which relief is sought.	

Nothing in this subrule is intended to in any manner diminish, increase, or modify the state public defender's authority to review any and all claims for services as authorized by the Iowa Code.

The fee limitations are applied separately to each case, as that term is defined in rule 493—7.1(13B,815). If more than one charge is included within a case, the charge with the higher fee limitation will apply to the entire case.

For example, in an adult criminal proceeding, if an attorney were appointed to represent a client charged with four counts of forgery arising at four separate times, and if the client were charged in four separate trial informations, the fee limitations for each charge would apply separately. If all four charges were contained in one trial information, the fee limitation would be \$1,200 even if there were more than one separate occurrence. If the attorney were appointed to represent a person charged with a drug offense and failure to possess a tax stamp, the fee limitation would be the limitation for the offense with the higher limitation, not the total of the limitations.

If the Iowa Code section listed on the claim form defines multiple levels of crimes and the claimant does not list the specific level of crime on the claim form, the state public defender will use the least serious level of crime in reviewing the claim.

For example, Iowa Code section 321J.2 defines crimes ranging from a serious misdemeanor to a Class D felony. If the attorney does not designate the subsection defining the level of the crime, the state public defender will deem the charge to be a serious misdemeanor.

12.6(2) *Juvenile cases.* The state public defender establishes attorney fee limitations for attorney time for the following categories of juvenile cases:

Delinquency (through disposition)	\$1,200
Child in need of assistance (CINA) (through disposition)	\$1,200
Termination of parental rights (TPR) (through disposition)	\$1,800
Juvenile court review and other postdispositional court hearings	\$300
Judicial bypass hearings	\$180
Juvenile commitment hearings	\$180
Juvenile petition on appeal	\$600
Motion for further review after petition on appeal	\$300

Nothing in this subrule is intended to in any manner diminish, increase, or modify the state public defender's authority to review any and all claims for services as authorized by the Iowa Code.

The fee limitations are applied separately to each case, as that term is defined in rule 493—7.1(13B,815).

For example, in a juvenile proceeding in which the attorney represents a parent whose four children are the subject of four child in need of assistance petitions, if the court handles all four petitions at the same time or the incident that gave rise to the child in need of assistance action is essentially the same for each child, the fee limitation for the attorney representing the parent is \$1,200 for all four proceedings, not \$1,200 for each one.

For a child in need of assistance case that becomes a termination of parental rights case, the fee limitations shall apply to each case separately. For example, the attorney could claim up to \$1,200 for the child in need of assistance case and up to \$1,800 for the termination of parental rights case.

In a delinquency case, if the child has multiple petitions alleging delinquency and the court handles the petitions at the same time, the fee limitation for the proceeding is the fee limitation for one delinquency.

In a juvenile case in which a petition on appeal is filed, the appointed trial attorney does not need to obtain a new appointment order to pursue a petition on appeal. The claim, through the filing of a petition on appeal, must be submitted on a Juvenile form. If an appellate court orders full briefing, the attorney fee claim for services subsequent to an order requiring full briefing must be submitted on an Appellate form and is subject to the rules governing appeals.

12.6(3) Appellate cases. Except as provided in this subrule, the state public defender establishes an attorney fee limitation of \$2,400 for all reasonable, necessary, and appropriate legal services in appellate cases filed with the Iowa supreme court.

a. In an appeal to which the attorney was appointed after June 30, 1999, and before July 1, 2006, in which the attorney withdraws based on a determination that the appeal is frivolous or in which the appeal is dismissed prior to the filing of the attorney's proof brief, the attorney shall be paid at the rate of \$50 per hour, with an attorney fee limitation of \$1,000. In an appeal to which the attorney was appointed after June 30, 2006, and before July 1, 2007, in which the attorney withdraws based on a determination that the appeal is frivolous or in which the appeal is dismissed prior to the filing of the attorney's proof brief, the attorney shall be paid at the rate of \$55 per hour, with an attorney fee limitation of \$1,100. In an appeal to which the attorney was appointed after June 30, 2007, in which the attorney withdraws based on a determination that the appeal is frivolous or in which the appeal is dismissed prior to the filing of the attorney's proof brief, the attorney shall be paid at the rate of \$60 per hour, with an attorney fee limitation of \$1,200.

b. In an appellate case to which the attorney was appointed after June 30, 1999, and before July 1, 2006, in which an appointed attorney joins in all or part of the brief of another party, the attorney shall be paid at the rate of \$50 per hour, with an attorney fee limitation of \$500. In an appellate case to which the attorney was appointed after June 30, 2006, and before July 1, 2007, in which an appointed attorney joins in all or part of the brief of another party, the attorney shall be paid at the rate of \$55 per hour, with an attorney fee limitation of \$550. In an appellate case to which the attorney was appointed after June

30, 2007, in which an appointed attorney joins in all or part of the brief of another party, the attorney shall be paid at the rate of \$60 per hour, with an attorney fee limitation of \$600.

c. In a juvenile case in which a petition on appeal is filed, an appointed trial attorney does not need to obtain an appointment order to pursue the petition on appeal. The claim, through the filing of the petition on appeal, must be submitted on a Juvenile form. If an appellate court orders full briefing, subsequent attorney fee claims must be submitted on an Appellate form. Any amount paid on the petition on appeal shall be considered in determining whether subsequent appellate claims exceed the fee limitations.

This subrule does not apply to appellate cases to which an attorney with an appellate contract with the state public defender is appointed. See rule 493—12.5(13B,815).

12.6(4) *Claims in excess of fee limitations.* A claim in excess of the attorney fee limitations will not be paid unless the attorney seeks and obtains authorization from the appointing court to exceed the attorney fee limitations prior to exceeding the attorney fee limitations. If authorization is granted, payment in excess of the attorney fee limitations shall be made only for services performed after the date of submission of the request for authorization.

12.6(5) *Retroactivity of authorization.* Authorization to exceed the attorney fee limitations shall be effective only as to services performed after a request for authorization to exceed the attorney fee limitations is filed with the court unless the court enters an order before submission of the claim to the state public defender specifically authorizing a late filing of the application and finding that good cause exists excusing the attorney's failure to file the application prior to the attorney's exceeding the attorney fee limitations. "Good cause" as used in this subrule means a sound, effective and truthful reason. "Good cause" is more than an excuse, plea, apology, extenuation, or some justification. Inadvertence or oversight does not constitute good cause. Retroactive court orders entered after the date of the state public defender's action on a claim are void. See Iowa Code section 13B.4(4).

[ARC 9293B, IAB 12/29/10, effective 12/7/10; ARC 9447B, IAB 4/6/11, effective 5/11/11]

493—12.7(13B,815) Reimbursement for specific expenses.

12.7(1) The state public defender shall reimburse the attorney for the payments made by the attorney for necessary certified shorthand reporters, investigators, foreign language interpreters, evaluations, and experts, if the following conditions are met:

a. The attorney obtained court approval for a certified shorthand reporter, investigator, foreign language interpreter, evaluation or expert prior to incurring any expenses with regard to each.

b. A copy of each of the following documents is attached to the claim:

(1) The application and court order authorizing the expenditure of funds at state expense for the certified shorthand reporter, investigator, foreign language interpreter, evaluation, or expert.

(2) If the expenses are for services of investigators, foreign language interpreters, or experts, a court order setting the maximum dollar amount of the claim. If the initial court order authorizing the expenditure sets the maximum amount of the claims, a subsequent order is unnecessary.

(3) An itemization detailing the expenses incurred, the services rendered, the date(s) on which the services were rendered, the time spent on each date, and the manner in which the amount of the claim for services was calculated.

(4) If the expenses are for foreign language interpreters, the court order and itemization required by subparagraphs 12.7(1) "b" (2) and (3) shall be submitted on the Fee Itemization Form and Court Order Approving Claim for Court Interpreter Services form promulgated by the judicial branch.

(5) If the expenses are for a certified shorthand reporter, any additional documentation required in 493—paragraph 13.2(4) "b" when applicable to the services provided.

(6) Documentation that the attorney has already paid the funds to the certified shorthand reporter, investigator, foreign language interpreter, provider of an evaluation, or expert.

c. The expenses would be payable if the certified shorthand reporter, investigator, foreign language interpreter, provider of an evaluation, or an expert submitted such claim directly pursuant to 493—Chapter 13, except for the requirement that the claim be submitted on the miscellaneous claim form promulgated by the state public defender.

d. The certified shorthand reporter, investigator, foreign language interpreter, provider of an evaluation, or expert does not submit a claim for the same services.

e. In claims for the cost of an evaluation requested by an appointed attorney, the attorney shall be reimbursed for the reasonable cost of an evaluation of the client to establish a defense in the case or to determine if the client is competent to stand trial. In either instance, a copy of the court order authorizing the evaluation for one of these specific purposes and an order approving the amount of the evaluation must accompany the claim form. Claims for the cost of an evaluation to be used for any other purpose, such as sentencing or placement, will not be reimbursed.

12.7(2) Nothing contained in this rule is intended to require the attorney to provide notice to any other party prior to seeking such an order or to require the attorney to disclose confidential information, work product, or trial strategy in order to obtain the order.

12.7(3) In an appeal, the state public defender will pay the cost of obtaining the transcript of the trial records and briefs. In such instance, subrule 12.7(1) shall apply.

12.7(4) Claims for expenses that do not meet these conditions are not payable under the attorney's appointment and will be denied.

[ARC 0137C, IAB 5/30/12, effective 7/11/12]

493—12.8(13B,815) Reimbursement of other expenses.

12.8(1) The state public defender shall reimburse the attorney for the following out-of-pocket expenses incurred by the attorney in the case to the extent that the expenses are reasonable and necessary:

a. Mileage for automobile travel at the rate of 35 cents per mile. The number of miles driven must be listed in the itemization of services and on the claim form. Other forms of transportation costs incurred by the attorney will be reimbursed with prior approval from the state public defender.

b. The actual cost of lodging, limited by the state-approved rate, is reimbursed only if the attorney is entitled to be paid for travel time for the travel associated with the lodging and the attorney is required to be away from home overnight.

c. The actual cost of meals, limited by the state-approved rate, is reimbursed only if the attorney is entitled to be paid for travel time for the travel associated with these meals.

d. Necessary photocopying at the attorney's office at the rate of 10 cents per copy. The number of copies made must be listed in the itemization of services or on the claim form.

e. Ordinary and necessary postage, toll calls, collect calls, and parking for the actual cost of these expenses. Toll and collect calls will be reimbursed at 10 cents per minute or the actual cost. A receipt for the actual cost must be attached to the claim form. A statement from a correctional facility or jail detailing a standard rate for such calls shall constitute a receipt for purposes of this paragraph. For parking in excess of \$2, a receipt must be attached to the claim form. Claims for the cost of a parking ticket will be denied.

f. Receiving faxes in the attorney's office at the rate of 10 cents per page. There is no direct cost reimbursement for sending a fax unless there is a toll charge associated with it.

g. The actual cost of photocopying or faxing for which the attorney must pay an outside vendor. A receipt for the actual cost must be attached to the claim form.

h. Other claims for expenses such as process service, medical records, videotapes and film will be reimbursed for the actual cost. A receipt or invoice from an outside vendor must be attached to the claim form.

i. Other specific expenses for which prior approval by the state public defender is obtained.

12.8(2) Claims for expenses other than those listed in this rule or at rates in excess of the rates set forth in this rule are not payable under the attorney's appointment and will be reduced or denied.

493—12.9(13B,815) Court review. An attorney whose claim for compensation is denied, reduced, or otherwise modified by the state public defender, for other than mathematical errors, may seek court review of the action of the state public defender.

12.9(1) *Motions for court review.* Court review of the action of the state public defender is initiated by the filing of a motion with the trial court requesting the review. The following conditions shall apply to all such motions:

- a.* The motion must be filed with the court within 20 days of the action of the state public defender. This time limit is jurisdictional and will not be extended by the filing of another claim or obtaining a court order affecting the amount of the claim.
- b.* The motion must set forth each and every ground on which the attorney intends to rely in challenging the action of the state public defender.
- c.* The motion must have attached to it a complete copy of the claim, together with the notice of action that the attorney seeks to have reviewed.
- d.* A copy of all documents filed must be provided to the state public defender.
- e.* It is unnecessary for the state public defender to file any response to the motion.

12.9(2) *Hearings.* The following shall apply to hearings on motions for court review:

- a.* The motion shall be set for hearing by the court. Notice of the hearing on the attorney's request for review shall be provided to the attorney and the state public defender at least ten days prior to the date and time set by the reviewing court.
- b.* Unless the state public defender appears or specifically indicates an intention to appear in person at the hearing, the state public defender shall participate by telephone. If the state public defender participates by telephone, the state public defender shall be responsible for initiating and paying for the telephone call. If the attorney intends to participate by telephone, the attorney shall notify the state public defender of this intent and provide a telephone number for the hearing at least two business days prior to the date scheduled for the hearing.
- c.* The burden shall be on the attorney requesting the review.
- d.* The court shall consider only the issues raised in the attorney's motion.
- e.* The court shall issue a written ruling on the issues properly presented in the request for review.
- f.* If a ruling is entered modifying the state public defender's action on the claim, the attorney must file a new claim with the state public defender within 45 days of the date of the court's order modifying the state public defender's action on the claim. A copy of the court's ruling must be attached to the claim form. The date of service on the claim form is the date of the court's order.

12.9(3) *Failure to seek review.* Failure to seek court review within 20 days of the action of the state public defender will preclude court review of the state public defender's action.

493—12.10(13B,815) Payment errors. If an error resulting in an overpayment or double payment of a claim is discovered by the attorney, by the state public defender, by the department, or otherwise, the claimant shall reimburse the indigent defense fund for the amount of the overpayment. An overpayment shall be paid by check. The check, made payable to the "Treasurer, State of Iowa," together with a copy of the payment voucher containing the overpayment or double payment, shall be mailed to the Office of the State Public Defender, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319. The attorney shall notify the clerk of court of the overpayment or double payment.

[ARC 0137C, IAB 5/30/12, effective 7/11/12]

These rules are intended to implement Iowa Code chapters 13B and 815.

[Filed emergency 6/10/99—published 6/30/99, effective 7/1/99]

[Filed 10/26/99, Notice 6/30/99—published 11/17/99, effective 12/22/99]

[Filed 1/31/02, Notice 12/26/01—published 2/20/02, effective 4/1/02]

[Filed emergency 8/5/02—published 9/4/02, effective 8/5/02]

[Filed 1/15/03, Notice 9/4/02—published 2/5/03, effective 3/12/03]

[Filed emergency 6/4/04—published 6/23/04, effective 7/1/04]

[Filed 11/3/04, Notice 6/23/04—published 11/24/04, effective 12/29/04¹]

[Filed emergency 5/25/05—published 6/22/05, effective 5/25/05]

[Filed 7/27/05, Notice 6/22/05—published 8/17/05, effective 10/15/05]

[Filed emergency 9/6/05—published 9/28/05, effective 9/6/05]

[Filed 11/7/05, Notice 9/28/05—published 12/7/05, effective 1/11/06]

[Filed 1/13/06, Notice 10/26/05—published 2/1/06, effective 3/8/06]
[Filed emergency 5/23/06—published 6/21/06, effective 7/1/06]
[Filed 8/11/06, Notice 6/21/06—published 8/30/06, effective 10/4/06]
[Filed 12/13/06, Notice 11/8/06—published 1/3/07, effective 2/7/07]
[Filed emergency 6/15/07—published 7/4/07, effective 7/1/07]
[Filed 8/8/07, Notice 7/4/07—published 8/29/07, effective 10/3/07]
[Filed emergency 2/1/08—published 2/27/08, effective 2/1/08]
[Filed 4/3/08, Notice 2/27/08—published 4/23/08, effective 5/28/08][◇]
[Filed Emergency ARC 8090B, IAB 9/9/09, effective 9/15/09]
[Filed ARC 8372B (Notice ARC 8091B, IAB 9/9/09), IAB 12/16/09, effective 1/20/10]
[Filed Emergency ARC 9293B, IAB 12/29/10, effective 12/7/10]
[Filed ARC 9447B (Notice ARC 9294B, IAB 12/29/10), IAB 4/6/11, effective 5/11/11]
[Filed ARC 9938B (Notice ARC 9817B, IAB 11/2/11), IAB 12/28/11, effective 2/1/12]
[Filed ARC 0137C (Notice ARC 0050C, IAB 3/21/12), IAB 5/30/12, effective 7/11/12]

[◇] Two or more ARCs

¹ 12/29/04 effective date delayed 70 days by the Administrative Rules Review Committee at its meeting held 12/14/04.

CHAPTER 13
CLAIMS FOR OTHER PROFESSIONAL SERVICES

493—13.1(13B,815) Scope. This chapter sets forth the rules for submission, payment and court review of claims for other professional services. See 493—Chapter 7 for definitions of terms used in this chapter.

493—13.2(815) Claims for other professional services. The state public defender shall review and approve claims for necessary and reasonable expenses for investigators, foreign language interpreters, expert witnesses, certified shorthand reporters, and medical/psychological evaluations if the claimant has a form W-9 on file with the department and the claim conforms to the requirements of this rule. Claims that do not comply with this rule will be returned.

13.2(1) *Claims for investigative services.* The state public defender shall review, approve and forward for payment claims for necessary and reasonable expenses for investigators if the following conditions are met:

a. The investigator submits a signed original and one copy of a claim containing the following information:

- (1) The case name, case number and county in which the action is pending.
- (2) The name of the attorney for whom the services were provided.
- (3) The date on which services commenced.
- (4) The date on which services ended.
- (5) The total number of hours claimed.
- (6) The total amount of the claim.
- (7) The claimant's name, address, social security number or federal tax identification number, and telephone number.

b. Court approval to hire the investigator was obtained before any expenses for the investigator were incurred.

c. One copy of each of the following documents is attached to the claim:

- (1) The application and order granting authority to hire the investigator.
- (2) The order appointing counsel. This order is unnecessary if the attorney is not court-appointed but the court, in granting the application noted above, determines that, although the client is able to employ counsel, funds are not available to the client to pay for the necessary investigation.
- (3) An itemization of the investigator's services detailing the expenses incurred, the services rendered, the date(s) on which the services were rendered, the time spent on each date, and the manner in which the amount of the claim for services was calculated.
- (4) A court order setting the maximum dollar amount of the claim. For purposes of this subrule, if the court order that authorizes hiring the investigator sets a limit for the claim, this court order is unnecessary.

13.2(2) *Claims for foreign language interpreters.* The state public defender shall review, approve and forward for payment claims for necessary and reasonable expenses for foreign language interpreters in accordance with the administrative directive of the state court administrator in the matter of court interpreter compensation, effective September 1, 2007, if the following conditions are met:

a. The interpreter submits a signed original and one copy of a claim containing the following information:

- (1) The case name, case number and county in which the action is pending.
- (2) The name of the attorney for whom the services were provided.
- (3) The date on which services commenced.
- (4) The date on which services ended.
- (5) The total number of hours claimed.
- (6) The total amount of the claim.
- (7) The claimant's name, address, social security number or federal tax identification number, E-mail address, if any, and telephone number.

b. Court approval to hire the interpreter was obtained before any expenses for the interpreter were incurred.

c. One copy of each of the following documents is attached to the claim:

(1) The application and order appointing the interpreter. This appointment is presumed to continue until the conclusion of the matter, unless limited by the court or modified by a subsequent order.

(2) The order appointing counsel. This order is unnecessary if the attorney is not court-appointed but the court, in granting the application for the appointment of the interpreter, makes one of the following specific findings:

1. The client is indigent, or

2. Although the client is able to employ counsel, funds are not available to the client to pay for necessary interpreter services.

(3) An itemization of the interpreter's services detailing the expenses incurred, the services rendered, the date(s) on which the services were rendered, the time spent on each date including the time services began and ended on each day, and the manner in which the amount of the claim for services was calculated. With regard to expenses and services, the following shall apply:

1. Receipts for parking expenses are required for actual costs of \$2 or more per day.

2. Claims for translating documents will be paid by the hour, not by the word or line.

(4) A court order setting the maximum dollar amount of the claim.

d. Claims for services completed before September 1, 2007, are timely if submitted to the state public defender for payment before October 15, 2007. Claims for services completed after August 31, 2007, are timely if submitted to the state public defender for payment within 45 days of completion of services in the case.

e. Claims which are not timely will be denied.

13.2(3) *Claims for expert witnesses.* The state public defender shall review, approve and forward for payment claims for necessary and reasonable expenses for expert witnesses if the following conditions are met:

a. The expert witness submits an original and one copy of a signed claim containing the following information:

(1) The case name, case number and county in which the action is pending.

(2) The name of the attorney for whom the services were provided.

(3) The date on which services commenced.

(4) The date on which services ended.

(5) The total number of hours claimed.

(6) The total amount of the claim.

(7) The claimant's name, address, social security number or federal tax identification number, and telephone number.

b. Court approval to hire the expert witness was obtained before any expenses for the expert witness were incurred.

c. One copy of each of the following documents is attached to the claim:

(1) The application and order granting authority to hire the expert witness.

(2) The order appointing counsel. This order is unnecessary if the attorney is not court-appointed but the court, in granting the application noted above, determines that, although the client is able to employ counsel, funds are not available to the client to pay for necessary expert witness services.

(3) An itemization of the expert witness's services detailing the expenses incurred, the services rendered, the date(s) on which the services were rendered, the time spent on each date, and the manner in which the amount of the claim for services was calculated.

(4) A court order setting the maximum dollar amount of the claim. For purposes of this subrule, if the court order that authorizes hiring the expert sets a limit for the claim, this court order is unnecessary.

(5) If the expert charges a "minimum" amount for services based on a specific time, a certification by the expert that no other services have been performed or charges made by the expert for any portion of that specific time.

13.2(4) *Claims for certified shorthand reporters.* The state public defender shall review, approve and forward for payment claims for necessary and reasonable expenses for depositions and transcripts provided by certified shorthand reporters only in accordance with the requirements of this subrule.

a. Claim form. The certified shorthand reporter shall submit a signed original and one copy of a miscellaneous claim form containing the following information:

- (1) The case name, case number and county in which the action is pending.
- (2) The name of the attorney for whom the services were provided.
- (3) The date on which the transcript was ordered.
- (4) The date on which the transcript was delivered.
- (5) The total amount of the claim.
- (6) The claimant's name; address; social security number, federal tax identification number or vendor identification number; e-mail address, if any; and telephone number.

b. Required documentation. One copy of each of the following documents must be attached to the claim:

- (1) The court order granting authority to hire the certified shorthand reporter at state expense.
- (2) The order appointing counsel. This order is unnecessary if the attorney is not court-appointed but the court, in granting authority to hire the certified shorthand reporter, determines that, although the client is able to employ counsel, funds are not available to the client to pay for necessary certified shorthand reporter services.
- (3) Itemization of services including date of deposition, persons deposed, arrival and departure time at the deposition, number of pages and the cost per page, travel time and listing of any other charges.
- (4) If expedited transcript rates are claimed under subparagraph 13.2(4) "d"(10), an e-mail or other written statement from the attorney explaining that expedited delivery is required.
- (5) If a cancellation fee is claimed under subparagraph 13.2(4) "d"(6), documentation of the date and time that notice of cancellation was given.
- (6) If the certified shorthand reporter is a state employee, a certification by the certified shorthand reporter that none of the time for which the claim is being submitted is time for which the certified shorthand reporter was being paid by the state.

c. Rates for court transcripts. If the certified shorthand reporter is a judicial branch employee, claims for certified shorthand reporter services for preparation of court transcripts will be limited to the rate approved by the Iowa supreme court for preparation of transcripts and other certified shorthand reporter services.

d. Rates for other transcripts. Unless the certified shorthand reporter has a contract with the state providing for a different rate or manner of payment or the certified shorthand reporter submits a claim for a lesser amount, claims for certified shorthand reporter services for a non-judicial branch employee will be paid only at the rates set forth in this paragraph:

- (1) Hourly rate when no transcript ordered. Fees for attending depositions when no transcript is ordered will be paid at the rate of \$45 per hour for the actual time the certified shorthand reporter is present at the depositions including setup and takedown of equipment.
- (2) Hourly rate when transcript ordered. Fees for attending depositions when a transcript is ordered will be paid at the rate of \$35 per hour for the actual time the certified shorthand reporter is present at the depositions including setup and takedown of equipment.
- (3) Travel time. Fees for travel time will be paid at the rate of \$15 per hour for travel outside of the county of the certified shorthand reporter's office location. Travel time within the county of the certified shorthand reporter's office location will not be paid. No travel time is payable for the delivery of a transcript.
- (4) Transcripts. Unless expedited delivery is requested, fees will be paid at the rate of \$3.50 per page for an original, one copy, and an electronic version of the transcript. Copies of a transcript for which an original has already been ordered by any party will be paid at the rate of \$1 per page.
- (5) Exhibits. A rate of \$0.10 per page for black and white and \$0.30 per page for color copies will be paid.

(6) Cancellation fees. No cancellation fees will be paid as long as the certified shorthand reporter is given notice of cancellation at least 24 hours before the time scheduled for a deposition. If the deposition is canceled with less than 24 hours' notice, a fee for two hours or the actual time that the certified shorthand reporter is present at the site of the deposition including setup and takedown of equipment, whichever is greater, is payable at the rate set forth in subparagraph 13.2(4)"d"(1). A certified shorthand reporter is deemed to have been given notice of cancellation when an attorney or representative of the attorney delivers notice of a cancellation to the e-mail address provided by the certified shorthand reporter or leaves a message on voicemail or with a representative of the certified shorthand reporter at the telephone number provided by the certified shorthand reporter, not when the certified shorthand reporter actually hears or reads the message.

(7) Minimum time. One hour minimum, exclusive of travel time, will be paid for a deposition that takes less than one hour.

(8) Other time. Except for the initial one hour minimum, all time billed at an hourly rate shall be billed in 15-minute increments.

(9) Postage. Actual postage costs that are reasonable and necessary will be paid.

(10) Expedited transcripts. Expedited transcripts are those that are required to be delivered within five business days of the date requested. Fees of \$6 per page for an original, one copy, and an electronic version of the transcript will be paid for expedited transcripts. Copies of an expedited transcript for which an original has already been ordered by any party will be paid at the rate of \$1 per page.

(11) Other expenses. Any additional expenses or fees for certified shorthand reporting services not set forth above will only be paid with the prior written consent of the state public defender obtained before the services are provided.

e. Timely claims required. Claims for services are timely if submitted to the state public defender for payment within 45 days of the date on which services are completed. For depositions, services are completed on the date the deposition transcript is delivered or on the date of disposition of the case if no transcript is ordered, whichever date is earlier. For trial transcripts, services are completed on the date the trial transcript is delivered. Claims that are not timely shall be denied.

f. Designation of preferred certified shorthand reporter. The state public defender may enter into a contract with one or more certified shorthand reporters to provide court reporting services for depositions in one or more counties and may designate such certified shorthand reporters to be the preferred certified shorthand reporters in the respective counties. Such designations shall be provided to the chief judge of the judicial district for the respective counties and shall be summarized on the Web site of the state public defender, <http://spd.iowa.gov>. Claims for services provided in a county in which the state public defender has designated a certified shorthand reporter as the preferred certified shorthand reporter shall be denied unless the claims are submitted by the certified shorthand reporter pursuant to the terms of the contract or are submitted by another certified shorthand reporter and include written documentation that the designated certified shorthand reporter was unavailable to handle the deposition.

13.2(5) Claims for court-ordered evaluations. The state public defender shall review, approve and forward for payment claims for necessary and reasonable evaluations requested by an appointed attorney only if the purpose of the evaluation is to establish a defense or to determine whether an indigent is competent to stand trial, and not for any other purpose such as sentencing or placement, if the following conditions are met:

a. The person performing the evaluation submits a signed original and one copy of a claim containing the following information:

- (1) The case name, case number and county in which the action is pending.
- (2) The name of the attorney for whom the services were provided.
- (3) The date on which services commenced.
- (4) The date on which services ended.
- (5) The total number of hours claimed.
- (6) The total amount of the claim.
- (7) The claimant's name, address, social security number or federal tax identification number, and telephone number.

b. Court approval to conduct the evaluation was obtained before any expenses for the evaluation were incurred.

c. One copy of each of the following documents is attached to the claim:

(1) The application and order granting authority to conduct the evaluation. This order must specify that the purpose of the evaluation is either to establish a defense to a pending charge or to determine whether an indigent is competent to stand trial.

(2) The order appointing counsel. This order is unnecessary if the attorney is not court-appointed but the court, in granting the application noted above, determines that, although the client is able to employ counsel, funds are not available to the client to pay for the evaluation.

(3) An itemization of the evaluator's services detailing the expenses incurred, the services rendered, the date(s) on which the services were rendered, the time spent on each date, and the manner in which the amount of the claim for services was calculated.

(4) A court order setting the maximum dollar amount of the claim. For purposes of this subrule, if the court order authorizing the evaluation sets a limit for the claim, this court order is unnecessary.

(5) If the evaluator charges a "minimum" amount for services based on a specific time, a certification by the evaluator that no other services have been performed or charges made by the evaluator for any portion of that specific time.

13.2(6) *Submission of claims.* Claims for payment for professional services provided to a public defender must be submitted to the local public defender office for which the services were provided. Other claims for professional services must be submitted, on a form promulgated by the state public defender, to the state public defender at the following address: State Public Defender, Claims, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319.

13.2(7) *Claims from state employees.* Claims submitted by state of Iowa employees must be submitted on a form promulgated by the state public defender and on a state travel voucher form.

13.2(8) *Claim form for other professional services.* Rescinded IAB 1/3/07, effective 2/7/07.
[ARC 0137C, IAB 5/30/12, effective 7/11/12]

493—13.3(13B,815) Court review. A claimant whose claim for compensation is denied, reduced, or otherwise modified by the state public defender, for other than mathematical errors, may seek court review of the action of the state public defender.

13.3(1) *Motions for court review.* Court review of the action of the state public defender is initiated by filing a motion with the trial court requesting the review. The following conditions shall apply to all such motions:

a. The motion must be filed with the court within 20 days of the action of the state public defender.

b. The motion must set forth each and every ground on which the claimant intends to rely in challenging the action of the state public defender.

c. The motion must have attached to it a complete copy of the claim, together with the notice of action that the claimant seeks to have reviewed.

d. A copy of all documents filed must be provided to the state public defender.

It is unnecessary for the state public defender to file any response to the motion.

13.3(2) *Hearings.* The following shall apply to hearings on motions for court review:

a. The motion shall be set for hearing by the court. Notice of the hearing on the claimant's request for review shall be provided to the claimant and the state public defender at least ten days prior to the date and time set by the reviewing court.

b. Unless the state public defender specifically indicates an intention to appear in person at the hearing, the state public defender shall participate by telephone. If the state public defender participates by telephone, the state public defender shall be responsible for initiating and paying for the telephone call.

c. The burden shall be on the claimant requesting the review.

d. The court shall consider only the issues raised in the claimant's motion.

e. The court shall issue a written ruling on the issues properly presented in the request for review.

f. If a ruling is entered allowing additional fees, the claimant must file a new claim with the state public defender. A copy of the court's ruling must be attached to the claim form. The date of service on the claim form is the date of the court's order.

13.3(3) *Failure to seek review.* Failure to seek court review within 20 days of the action of the state public defender will preclude court review of the state public defender's action.

493—13.4(13B,815) Processing and payment. The state public defender will submit claims to the department for processing and payment. The department will submit claims that are not approved in the current fiscal year to the state appeal board for processing and payment.

493—13.5(13B,815) Payment errors. If an error resulting in an overpayment or double payment of a claim is discovered by the claimant, by the state public defender, by the department, or otherwise, the claimant shall reimburse the indigent defense fund for the amount of the overpayment. An overpayment or double payment shall be repaid by check. The check, made payable to "Treasurer, State of Iowa," together with a copy of the payment voucher containing the overpayment or double payment, shall be mailed to the Office of the State Public Defender, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083. The claimant shall notify the clerk of court of the overpayment or double payment.

[ARC 0137C, IAB 5/30/12, effective 7/11/12]

493—13.6(815) Claims submitted by a county. Rescinded IAB 1/3/07, effective 2/7/07.

These rules are intended to implement Iowa Code chapters 13B and 815 as amended by 2004 Iowa Acts, House File 2138.

[Filed emergency 6/4/04—published 6/23/04, effective 7/1/04]

[Filed 11/3/04, Notice 6/23/04—published 11/24/04, effective 12/29/04¹]

[Filed 1/13/06, Notice 10/26/05—published 2/1/06, effective 3/8/06]

[Filed 12/13/06, Notice 11/8/06—published 1/3/07, effective 2/7/07]

[Filed emergency 8/6/07—published 8/29/07, effective 9/1/07]

[Filed 10/3/07, Notice 8/29/07—published 10/24/07, effective 12/1/07]

[Filed 4/3/08, Notice 2/27/08—published 4/23/08, effective 5/28/08]

[Filed ARC 0137C (Notice ARC 0050C, IAB 3/21/12), IAB 5/30/12, effective 7/11/12]

¹ 12/29/04 effective date delayed 70 days by the Administrative Rules Review Committee at its meeting held 12/14/04.

CHAPTER 97
COMMON SNIPE, VIRGINIA RAIL AND SORA, WOODCOCK,
RUFFED GROUSE, AND DOVE HUNTING SEASONS
[Prior to 12/31/86, Conservation Commission[290] Ch 109]

571—97.1(481A) Common snipe season. Open season for hunting common snipe shall be from the first Saturday in September through November 30. Shooting hours shall be from one-half hour before sunrise to sunset each day. Daily bag limit 8 birds; possession limit 16 birds. Entire state open.

571—97.2(481A) Virginia rail and sora season. Open season for hunting Virginia rail and sora shall be from the first Saturday in September and continue for 70 consecutive days. Shooting hours shall be from one-half hour before sunrise to sunset each day. Daily bag limit 12 and possession limit 24 in aggregate of both species. Entire state open.

571—97.3(481A) Woodcock season. Open season for hunting woodcock shall be from the first Saturday in October and continue for 45 consecutive days. Shooting hours shall be from sunrise to sunset each day. Daily bag limit 3; possession limit 6. Entire state open.

571—97.4(481A) Ruffed grouse season. Open season for hunting ruffed grouse shall be from the first Saturday in October through January 31 of the succeeding year. Shooting hours shall be from sunrise to sunset each day. Daily bag limit 3; possession limit 6.

97.4(1) Portion of the state open to hunting. The area open to hunting shall be that portion of the state lying north and east of a line described as follows: beginning at Sabula, Iowa; thence west along State Highway 64 to U.S. Highway 151; thence west along U.S. Highway 151 to State Highway 13; thence north along State Highway 13 to U.S. Highway 20; thence west along U.S. Highway 20 to U.S. Highway 63; thence north along U.S. Highway 63 to the state line.

97.4(2) Reserved.

571—97.5 Reserved.

571—97.6(481A) Dove season. Open season for hunting mourning doves and Eurasian collared-doves shall begin on September 1 and continue for 70 consecutive days. Shooting hours shall be from one-half hour before sunrise to sunset each day. Daily bag limit is 15; possession limit is 30. The entire state is open.

[ARC 9674B, IAB 8/10/11, effective 8/17/11 (See Delay note at end of chapter) (See Rescission note at end of chapter)]

These rules are intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

These rules are based on the best biological data available as determined by research conducted by the department of natural resources.

[Filed 7/16/75]

[Filed emergency 7/9/76—published 7/26/76, effective 7/9/76]

[Filed emergency 7/20/77—published 8/10/77, effective 7/20/77]

[Filed emergency 9/1/77—published 9/21/77, effective 9/1/77]

[Filed 6/28/76, Notice 3/8/78—published 7/26/78, effective 8/30/78]

[Filed 7/20/79, Notice 3/7/79—published 8/8/79, effective 9/12/79]

[Filed 7/2/80, Notice 3/5/80—published 7/23/80, effective 8/27/80]

[Filed emergency after Notice 7/9/81, Notice 3/4/81—published 8/5/81, effective 9/1/81]

[Filed 7/1/82, Notice 3/3/82—published 7/21/82, effective 9/1/82]

[Filed 7/1/83, Notice 3/30/83—published 7/20/83, effective 9/1/83]

[Filed 6/13/84, Notice 2/29/84—published 7/4/84, effective 9/1/84]

[Filed 6/6/85, Notice 2/27/85—published 7/3/85, effective 8/15/85]

[Filed 6/11/86, Notice 2/26/86—published 7/2/86, effective 8/15/86]

[Filed without Notice 12/12/86—published 12/31/86, effective 2/4/87]

[Filed 6/11/87, Notice 3/11/87—published 7/1/87, effective 8/10/87]

[Filed 5/13/88, Notice 2/24/88—published 6/1/88, effective 7/6/88]

[Filed 5/12/89, Notice 3/8/89—published 5/31/89, effective 8/1/89]

[Filed 5/11/90, Notice 3/7/90—published 5/30/90, effective 8/1/90]

[Filed 5/10/91, Notice 3/6/91—published 5/29/91, effective 8/1/91]

[Filed 5/8/92, Notice 3/4/92—published 5/27/92, effective 8/3/92]

[Filed 5/7/93, Notice 3/31/93—published 5/26/93, effective 8/2/93]

[Filed 5/20/94, Notice 3/2/94—published 6/8/94, effective 8/1/94]

[Filed 5/15/95, Notice 3/1/95—published 6/7/95, effective 8/1/95]

[Filed 8/22/97, Notice 3/12/97—published 9/10/97, effective 10/15/97]

[Filed Emergency After Notice ARC 9674B (Notice ARC 9495B, IAB 5/4/11), IAB 8/10/11, effective 8/17/11]^{1, 2}

[Editorial change: IAC Supplement 9/7/11]

[Editorial change: IAC Supplement 5/30/12]

¹ August 17, 2011, effective date of the last sentence of 571—97.6(481A) delayed until adjournment of the 2012 Session of the General Assembly by the Administrative Rules Review Committee at its meeting held August 16, 2011.

² Rule 571—97.6(481A), last sentence, (ARC 9674B, Item 2, IAB 8/10/11) rescinded by Executive Order Number 77 on 5/11/12. Rescinded sentence removed IAC Supplement 5/30/12.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION[605]

[Prior to 12/23/92, see Disaster Services Division[607]; renamed Emergency Management Division by
1992 Iowa Acts, chapter 1139, section 21]

[Prior to 3/31/04, see Emergency Management Division[605]; renamed Homeland Security and Emergency Management
Division by 2003 Iowa Acts, chapter 179, section 157]

CHAPTER 1 ORGANIZATION

- 1.1(29C) Description
- 1.2(29C) Definitions

CHAPTER 2 PETITIONS FOR RULE MAKING (Uniform Rules)

- 2.1(17A) Petition for rule making
- 2.2(17A) Briefs
- 2.3(17A) Inquiries
- 2.4(17A) Consideration

CHAPTER 3 DECLARATORY ORDERS (Uniform Rules)

- 3.1(17A) Petition for declaratory order
- 3.2(17A) Notice of petition
- 3.3(17A) Intervention
- 3.4(17A) Briefs
- 3.5(17A) Inquiries
- 3.6(17A) Service and filing of petitions and other papers
- 3.7(17A) Consideration
- 3.8(17A) Action on petition
- 3.9(17A) Refusal to issue order
- 3.10(17A) Contents of declaratory order—effective date
- 3.11(17A) Copies of orders
- 3.12(17A) Effect of a declaratory order

CHAPTER 4 AGENCY PROCEDURE FOR RULE MAKING (Uniform Rules)

- 4.1(17A) Adoption by reference

CHAPTER 5 FAIR INFORMATION PRACTICES (Uniform Rules)

- 5.1(17A) Adoption by reference
- 5.9(17A,22) Federal records

CHAPTER 6 CONTESTED CASES

- 6.1(17A) Scope and applicability
- 6.2(17A) Definitions
- 6.3(17A) Time requirements
- 6.4(17A) Requests for contested case proceeding
- 6.5(17A) Notice of hearing
- 6.6(17A) Presiding officer

6.7(17A)	Waiver of procedures
6.8(17A)	Telephone proceedings
6.9(17A)	Disqualification
6.10(17A)	Consolidation—severance
6.11(17A)	Pleadings
6.12(17A)	Service and filing of pleadings and other papers
6.13(17A)	Discovery
6.14(17A)	Subpoenas
6.15(17A)	Motions
6.16(17A)	Prehearing conference
6.17(17A)	Continuances
6.18(17A)	Withdrawals
6.19(17A)	Intervention
6.20(17A)	Hearing procedures
6.21(17A)	Evidence
6.22(17A)	Default
6.23(17A)	Ex parte communication
6.24(17A)	Recording costs
6.25(17A)	Interlocutory appeals
6.26(17A)	Final decision
6.27(17A)	Appeals and review
6.28(17A)	Applications for rehearing
6.29(17A)	Stays of agency actions
6.30(17A)	No factual dispute contested cases
6.31(17A)	Emergency adjudicative proceedings

CHAPTER 7

LOCAL EMERGENCY MANAGEMENT

7.1(29C)	Scope and purpose
7.2(29C)	Definitions
7.3(29C)	Local emergency management commission
7.4(29C)	Local emergency management coordinator
7.5(29C)	Commission personnel
7.6(29C)	Damage assessment and financial assistance for disaster recovery
7.7(29C)	Emergency management performance grant (EMPG) program

CHAPTER 8

CRITERIA FOR AWARDS OR GRANTS

8.1(29C,17A)	Purpose
8.2(29C,17A)	Definitions
8.3(29C,17A)	Exceptions
8.4(29C,17A)	Public notice of available competitive grants
8.5(29C,17A)	Requirements
8.6(29C,17A)	Review process (competitive applications only)
8.7(29C,17A)	Opportunity for review and comment
8.8(29C,17A)	Awards

CHAPTER 9

IOWA COMPREHENSIVE PLAN

9.1(29C)	Description
9.2(29C)	Part A: Iowa Emergency Response Plan
9.3(29C)	Part B: Iowa Hazard Mitigation Plan
9.4(29C)	Part C: Iowa Disaster Recovery Plan

CHAPTER 10 ENHANCED 911 TELEPHONE SYSTEMS

10.1(34A)	Program description
10.2(34A)	Definitions
10.3(34A)	Joint E911 service boards
10.4(34A)	Enhanced 911 service plan (wire-line)
10.5(34A)	Referendum and surcharge (wire-line)
10.6(34A)	Waivers, variance request, and right to appeal
10.7(34A)	Enhanced wireless 911 service plan
10.8(34A)	E911 surcharge (wireless)
10.9(34A)	Wireless E911 emergency communications fund
10.10(34A)	E911 surcharge exemptions
10.11(34A)	E911 service fund
10.12(34A)	Operating budgets
10.13(34A)	Limitations on use of funds
10.14(34A)	Minimum operational and technical standards
10.15(34A)	Administrative hearings and appeals
10.16(34A)	Confidentiality

CHAPTER 11 REPAIR, CALIBRATION, AND MAINTENANCE OF RADIOLOGICAL MONITORING, DETECTION, AND SURVEY EQUIPMENT

11.1(29C)	Purpose
11.2(29C)	Definitions
11.3(29C)	Standards of service
11.4(29C)	Contracts for services
11.5(29C)	Application of fees
11.6(29C)	Fees
11.7(29C)	Returned check and late fees
11.8(29C)	Records and reports

CHAPTER 12 HOMELAND SECURITY AND EMERGENCY RESPONSE TEAMS

12.1(29C)	Purpose
12.2(29C)	Definitions
12.3(29C)	Homeland security and emergency response teams
12.4(29C)	Use of homeland security and emergency response teams
12.5(29C)	Homeland security and emergency response team compensation
12.6(29C)	Alternate deployment of homeland security and emergency response teams

CHAPTER 13 COMMUNITY DISASTER GRANTS

13.1(29C,83GA,HF64)	Purpose
13.2(29C,83GA,HF64)	Eligibility
13.3(29C,83GA,HF64)	Notification of eligibility
13.4(29C,83GA,HF64)	Eligible use of the grant funds
13.5(29C,83GA,HF64)	Allocation of grant funds
13.6(29C,83GA,HF64)	Application for grant funds

CHAPTERS 14 to 99 Reserved

*IOWA EMERGENCY RESPONSE
COMMISSION*

CHAPTER 100
MISSION OF COMMISSION

100.1(30) Mission

CHAPTER 101
OPERATIONS OF COMMISSION

101.1(17A) Scope
101.2(30) Membership
101.3(17A,21,30) Time of meetings
101.4(17A,21,30) Place of meetings
101.5(17A,21,30) Notification of meetings
101.6(17A,21,30) Attendance and participation by the public
101.7(17A,21,30) Quorum and voting requirements
101.8(17A,21,30) Minutes, transcripts and recording of meetings
101.9(17A,21,30) Officers and election

CHAPTER 102
EMERGENCY PLANNING DISTRICTS

102.1(30) Requirement to designate, and organization of, emergency planning districts
102.2(30) Emergency planning districts—counties
102.3(30) Application to modify districts

CHAPTER 103
LOCAL EMERGENCY PLANNING COMMITTEES

103.1(30) Requirement to appoint local emergency planning committees (LEPC)
103.2(30) Committee members
103.3(30) Local emergency planning committee (LEPC) duties
103.4(30) Emergency response plan development
103.5(30) Local emergency planning committee office
103.6(30) Local emergency response committee meetings
103.7(30) Local emergency response plan submission

CHAPTER 104
REQUIRED REPORTS AND RECORDS

104.1(30) Department of public defense, emergency management division
104.2(30) Department of natural resources

CHAPTER 7
LOCAL EMERGENCY MANAGEMENT

[Prior to 4/18/90, Public Defense Department[650], Ch 7]

[Prior to 5/12/93, Disaster Services Division[607], Ch 7]

605—7.1(29C) Scope and purpose. These rules apply to each local emergency management commission as provided for in Iowa Code section 29C.9. These rules are intended to establish standards for emergency management and to provide local emergency management commissions with the criteria to assess and measure their capability to mitigate against, prepare for, respond to, and recover from emergencies or disasters.

605—7.2(29C) Definitions. For purposes of this chapter, the following definitions will apply:

“*Commission*” means a local emergency management commission or joint emergency management commission.

“*Local emergency management agency*” means a countywide, joint county-municipal agency organized to administer this chapter under the authority of a commission.

“*Shall*” indicates a mandatory requirement.

“*Should*” indicates a recommendation or that which is advised but not required.

[ARC 0129C, IAB 5/30/12, effective 7/4/12]

605—7.3(29C) Local emergency management commission.

7.3(1) The county board of supervisors, city councils, and sheriff in each county shall cooperate with the homeland security and emergency management division to establish a local emergency management commission to carry out the provisions of 2011 Iowa Code Supplement chapter 29C.

a. The local commission shall be named the (county name) county emergency management commission.

b. The commission shall be comprised of the following members:

(1) A member of the county board of supervisors or its appointed representative.

(2) The county sheriff or the sheriff’s appointed representative.

(3) The mayor or the mayor’s appointed representative from each city within the county.

c. The commission is a municipality as defined in Iowa Code section 670.1.

7.3(2) Local commission bylaws. The commission shall develop bylaws to specify, at a minimum, the following information:

a. The name of the commission.

b. The list of members.

c. The date for the commencement of operations.

d. The commission’s mission.

e. The commission’s powers and duties.

f. The manner for financing the commission and its activities and maintaining a budget therefor.

g. The manner for acquiring, holding and disposing of property.

h. The manner for electing or appointing officers and the terms of office.

i. The manner by which members may vote.

j. The manner for appointing, hiring, disciplining and terminating employees.

k. The rules for conducting meetings of the commission.

l. Any other necessary and proper rules or procedures.

The bylaws, as adopted, shall be signed by each member of the commission. The commission shall record the signed bylaws with the county recorder and shall forward a copy of the bylaws to the administrator of the homeland security and emergency management division.

7.3(3) Commission business. Commission business shall be conducted in compliance with Iowa Code chapter 21, “Official Meetings Open to Public,” and Iowa Code chapter 22, “Examination of Public Records.”

7.3(4) The commission shall have the following minimum duties and responsibilities:

a. *Administration and finance.*

(1) Establish and maintain a local emergency management agency responsible for the local emergency management program. The primary responsibility of this agency is to develop and maintain a comprehensive emergency management capability in cooperation with other governmental agencies, volunteer organizations, and private sector organizations. The name of this agency shall be the (county name) county emergency management agency.

(2) Determine the mission of the agency and its program.

(3) Develop and adopt a budget in accordance with the provisions of Iowa Code chapter 24 and Iowa Code section 29C.17 in support of the commission and its programs. The commission shall be the fiscal authority and the chairperson or vice chairperson shall be the certifying official for the budget.

(4) Appoint an emergency management coordinator who meets the qualifications established in subrule 7.4(3).

(5) Develop and adopt policies defining the rights and liabilities of commission employees, emergency workers and volunteers.

(6) Provide direction for the delivery of the emergency management services of planning, administration, coordination, training, exercising, and support for local governments and their departments.

(7) Coordinate emergency management activities and services among county and city governments and the private sector agencies under the jurisdiction of the commission.

b. Hazard identification, risk assessment, and capability assessment.

(1) The commission should continually identify credible hazards that may affect their jurisdiction, the likelihood of occurrence, and the vulnerability of the jurisdiction to such hazards. Hazards to be considered should include natural, technological, and human-caused.

(2) The commission should conduct an analysis to determine the consequences and impact of identified hazards on the health and safety of the public, the health and safety of responders, property and infrastructure, critical and essential facilities, public services, the environment, the economy of the jurisdiction, and government operations and obligations.

(3) The hazard analysis should include identification of vital personnel, systems, operations, equipment, and facilities at risk.

(4) The commission should identify mitigation and preparedness considerations based upon the hazard analysis.

(5) A comprehensive assessment of the emergency management program elements should be conducted periodically to determine the operational capability and readiness of the jurisdiction to address the identified hazards and risks.

c. Resource management.

(1) The commission should develop a method to effectively identify, acquire, distribute, account for, and utilize resources essential to emergency functions.

(2) The commission shall utilize, to the maximum extent practicable, the services, equipment, supplies and facilities of the political subdivisions that are members of the commission.

(3) The commission should identify resource shortfalls and develop the steps and procedures necessary to overcome such shortfalls.

(4) The commission shall, in collaboration with other public and private agencies within this state, develop written mutual aid agreements. Such agreements shall provide reciprocal disaster services and recovery aid and assistance in case of disaster too great to be dealt with by the jurisdiction unassisted. Mutual aid agreements shall be in compliance with the appropriate requirements contained in Iowa Code chapter 28E.

d. Planning.

(1) The commission shall develop a comprehensive emergency plan that is capabilities-based, multihazard and multifunctional in nature. The plan shall conform to the Comprehensive Preparedness Guide 101 as established by the Federal Emergency Management Agency.

(2) Plans shall contain the following common elements:

1. Identification of the functional roles and responsibilities of internal and external agencies, organizations, departments, and individuals during mitigation, preparedness, response and recovery.

2. Establishment and identification of lines of authority for those agencies, organizations, departments, and individuals.

(3) Plans shall be regularly reviewed and amended as appropriate in accordance with a five-year schedule established by the commission, which shall include at a minimum:

1. A complete review, and amendment as appropriate, at a minimum of every five years. However, a review, and amendment as appropriate, of the hazardous materials portion and of a minimum of 20 percent of the remaining annexes or portions of the plan shall be conducted on a yearly basis. The complete operations plan must be reviewed entirely, and amended as appropriate, every five years. A copy of the portions of the plan that are reviewed, regardless of amendment, must be certified and submitted to the division for approval by August 1 of each year.

2. Recovery and mitigation plans must also be reviewed, and amended as appropriate, certified and submitted to the division for approval within 180 days of the formal closing of the disaster incident period for a presidential declaration for major disaster.

(4) To be certified, the plan must be adopted by the members of the commission and attested to by the chairperson and the local emergency management coordinator on a signature document as specified by the division.

(5) In addition to the standards heretofore established in paragraph 7.3(4) "d," the operations plan shall include provisions for damage assessment.

(6) Hazardous materials plans shall meet the minimum requirements of federal law, 42 U.S.C. §11003.

(7) Counties designated as risk or host counties for a nuclear facility emergency planning zone shall meet the standards and requirements as published by the United States Nuclear Regulatory Commission and the Federal Emergency Management Agency in NUREG-0654, FEMA-REP-1, Rev. 1, March 1987.

(8) Commissions participating in or conducting exercises or experiencing real disaster incidents which require after-action and corrective action reports have 180 days from the date of the publication of the corrective action report to incorporate the corrective actions, as appropriate, into the commission's plans.

(9) Within 60 calendar days from the receipt of the plan, the division shall review plans or portions of plans submitted by a commission for approval. The division shall notify the local emergency management agency in writing of the approval or nonapproval of the plan. If the plan is not approved, the division shall state the specific standard or standards that are not being met and offer guidance on how the plan may be brought into compliance.

(10) A comprehensive emergency plan shall not be considered approved by the homeland security and emergency management division as required in 2011 Iowa Code Supplement subsection 29C.9(8) unless such plan adheres to and meets the minimum standards as established in paragraph 7.3(4) "d."

(11) 2011 Iowa Code Supplement section 29C.6 provides that state participation in funding financial assistance in a presidentially declared disaster is contingent upon the commission's having on file a state-approved, comprehensive emergency plan as provided in 2011 Iowa Code Supplement subsection 29C.9(8). Plans must be received by the division within 180 days of the formal closing of the disaster incident period for a presidential declaration for major disaster for the affected jurisdiction and must be approved by the division within 240 days of the formal closing of the disaster incident period for public or private nonprofit entities within the county to be eligible to receive state financial assistance.

e. Direction, control and coordination.

(1) The commission shall execute and enforce the orders or rules made by the governor, or under the governor's authority.

(2) The commission shall establish and maintain the capability to effectively direct, control and coordinate emergency and disaster response and recovery efforts.

(3) The commission shall establish a means of interfacing on-scene management with direction and control personnel and facilities.

(4) The commission should actively support use of the Incident Command System (ICS) model by all emergency and disaster response agencies within the jurisdiction.

f. Damage assessment.

(1) The commission shall develop and maintain a damage assessment capability consistent with local, state and federal requirements and shall designate individuals responsible for the function of damage assessment.

(2) Individuals identified by the commission to perform the function of damage assessment shall be trained through a course of instruction approved by the division.

g. Communications and warning.

(1) The commission should identify a means of disseminating a warning to the public, key officials, emergency response personnel and those other persons within the jurisdiction that may be potentially affected.

(2) The commission should identify the primary and secondary means of communications to support direction, control, and coordination of emergency management activities.

h. Operations and procedures. The commission should encourage public and private agencies, which have defined responsibilities in the comprehensive emergency plan, to develop standard operating procedures, policies, and directives in support of the plan.

i. Training.

(1) The commission shall require the local emergency management coordinator to meet the minimum training requirements as established by the division and identified in subrule 7.4(4).

(2) The commission should, in conjunction with the local emergency management coordinator, arrange for and actively support ongoing emergency management related training for local public officials, emergency responders, volunteers, and support staff.

(3) Persons responsible for emergency plan development or implementation should receive training specific to, or related to, hazards identified in the local hazard analysis.

(4) The commission should encourage individuals, other than the emergency management coordinator, with emergency management responsibilities as defined in the comprehensive emergency plan, to complete, within two years of appointment, training consistent with their emergency management responsibilities.

(5) The commission should encourage all individuals with emergency management responsibilities to maintain current and adequate training consistent with their responsibilities.

j. Exercises.

(1) The commission shall ensure that exercise activities are conducted annually in accordance with local, state and federal requirements.

(2) Exercise activities should follow a progressive five-year plan that is designed to meet the needs of the jurisdiction.

(3) Local entities assigned to an exercise should actively participate and support the role of the entity in the exercise.

(4) Local entities assigned to an exercise should actively participate in the design, development, implementation, and evaluation of the exercise activity.

k. Public education and information.

(1) The commission should designate the individual or individuals who are responsible for public education and information functions.

(2) The commission should ensure a public information capability, to include:

1. Designated public information personnel trained to meet local requirements.
2. A system of receiving and disseminating emergency public information.
3. A method to develop, coordinate, and authorize the release of information.
4. The capability to communicate with functional needs populations.

(3) The commission should actively support the development of capabilities to electronically collect, compile, report, receive, and transmit emergency public information.

7.3(5) Two or more commissions. Two or more commissions may, upon review by the state administrator and with the approval of their respective boards of supervisors, cities, and sheriffs, enter into agreements pursuant to Iowa Code chapter 28E for the joint coordination and administration of emergency management services throughout the multicounty area.

[ARC 0129C, IAB 5/30/12, effective 7/4/12]

605—7.4(29C) Local emergency management coordinator.

7.4(1) Each commission shall appoint a local emergency management coordinator who shall serve at the pleasure of the commission. The commission shall delegate to the emergency management coordinator the authority to fulfill the commission's and coordinator's duties as provided in 2011 Iowa Code Supplement sections 29C.9 and 29C.10, as further described in subrule 7.3(4), and as otherwise assigned and authorized by the commission.

7.4(2) Political activity.

a. A member of a commission shall not be appointed as the local emergency management coordinator.

b. An individual serving in a full-time or part-time governmental position incompatible with the position of coordinator shall not be appointed as the emergency management coordinator.

c. Any employee of an organization for emergency management shall not become a candidate for any partisan elective office. However, the employee is not precluded from holding any nonpartisan elective office for which no pay or only token payment is received.

7.4(3) Local emergency management coordinator qualifications. Each person appointed after July 1, 1990, as a local emergency management coordinator shall meet the following requirements with regard to education, abilities, experience, knowledge and skills:

a. Demonstrate a knowledge of local, state, and federal laws and regulations pertaining to emergency management.

b. Demonstrate an understanding of communications systems, frequencies, and equipment capabilities.

c. Demonstrate a knowledge of basic accounting principles and practices.

d. Express oneself clearly and concisely, both orally and in writing.

e. Establish and maintain effective working relationships with employees, public officials, and the general public.

f. Prepare accurate reports.

g. Write plans, direct the use of resources, and coordinate emergency operations under extraordinary circumstances.

h. Exercise good judgment in evaluating situations and making decisions.

i. Coordinate with agencies at all levels of government.

j. Have graduated from an accredited four-year college or university and have two years of responsible experience in emergency management, public or business administration, public relations, military preparedness or related work; or have an equivalent combination of experience and education, substituting 30 semester hours of graduate study for each year of the required work experience to a maximum of two years; or have an equivalent combination of experience and education, substituting one year of experience in the aforementioned areas for each year of college to a maximum of four years; or be an employee with current continuous experience in the state classified service that includes the equivalent of 18 months of full-time experience as an emergency management operations officer; or be an employee with current continuous experience in the state classified service that includes the equivalent of 36 months of full-time experience as a local emergency management assistant.

7.4(4) Local emergency management coordinator continuing education requirements. Each local emergency management coordinator shall meet the following educational development requirements. The administrator may extend the time frame for meeting these continuing education requirements upon request from the commission.

a. Within five years of appointment as a local emergency management coordinator, the person must complete the following study courses:

(1) A Citizen's Guide to Disaster Assistance IS-7.

(2) Emergency Operations Center (EOC) Management and Operations IS-775.

(3) Emergency Manager: An Orientation to the Position IS-1.

(4) Are You Ready? An In-depth Guide to Citizen Preparedness IS-22.

(5) An Introduction to Hazardous Materials IS-5A.

(6) Introduction to Incident Command System IS-100.b.

- (7) ICS for Single Resources and Initial Action Incidents IS-200.a.
- (8) Radiological Emergency Management IS-3.
- (9) Introduction to Hazard Mitigation IS-393.a.
- (10) Emergency Management Program Development.

b. Within five years of appointment as a local emergency management coordinator, the person must complete the professional development series of courses as prescribed by the Federal Emergency Management Agency.

c. Upon completion of the requirements established in subrule 7.4(4), paragraphs “a” and “b,” a person must complete annually a minimum of 24 hours of state-approved emergency management training. Since completion of the annual training will follow the federal fiscal year, October 1 to September 30, the requirement to complete 24 hours of annual training will commence on the next October 1.

d. The local emergency management coordinator must document completion of courses by submitting a copy of the certificate of completion, a letter indicating satisfactory completion, or other appropriate documentation.

e. The Iowa homeland security and emergency management division, in conjunction with the Iowa Emergency Management Association, may substitute courses when deemed appropriate.

f. An emergency management coordinator who has met the baseline requirements prior to October 1, 2006, will not be required to take any of the new courses listed above to reestablish the person’s baseline.

[ARC 8116B, IAB 9/9/09, effective 10/14/09; ARC 9332B, IAB 1/12/11, effective 2/16/11; ARC 0129C, IAB 5/30/12, effective 7/4/12]

605—7.5(29C) Commission personnel.

7.5(1) Personnel for the commission, including the coordinator, operations officers, and emergency management assistants, shall be considered as employees of that commission.

7.5(2) The commission shall determine the personnel policies of the agency to include holidays, rate of pay, sick leave, vacation, and health benefits. The commission may adopt existing county or city policies in lieu of writing the commission’s own policies.

[ARC 0129C, IAB 5/30/12, effective 7/4/12]

605—7.6(29C) Damage assessment and financial assistance for disaster recovery. Disaster-related expenditures and damages incurred by local governments, private nonprofit entities, individuals, and businesses may be reimbursable and covered under certain state and federal disaster assistance programs. Preliminary damage assessments shall be provided to the homeland security and emergency management division prior to the governor’s making a determination that the magnitude and impact are sufficient to warrant a request for a presidential disaster declaration.

7.6(1) *Local preliminary damage assessment and impact statement.* The local emergency management coordinator shall be responsible for the coordination and collection of damage assessment and impact statement information immediately following a disaster that affects the jurisdiction.

7.6(2) *Damage assessment guidance and forms to be provided.* The homeland security and emergency management division will provide guidance regarding the methodologies to be used in collecting damage assessment and impact statement information and shall provide the forms and format by which this information shall be recorded.

7.6(3) *Joint preliminary damage assessment.* Once the governor has determined that a request for a presidential disaster declaration is appropriate, joint preliminary damage assessment teams, consisting of local, state, and federal inspectors, will assess the uninsured damages and costs incurred or to be incurred in responding to and recovering from the disaster. All affected city, municipality, or county governments shall be required to provide assistance to the joint preliminary damage assessment teams for conducting damage assessments. The jurisdiction may be required to develop maps to show the damaged areas and to compile lists of names and telephone numbers of individuals, businesses, private nonprofit entities, and governmental agencies sustaining disaster response and recovery costs or damages. This joint preliminary damage assessment may be required before the request for presidential declaration is formally transmitted to the Federal Emergency Management Agency.

7.6(4) Public assistance and hazard mitigation briefing. In the event that a presidential disaster declaration is received, affected jurisdictions and eligible private nonprofit entities should be prepared to attend a public assistance and hazard mitigation briefing to acquire the information and documents necessary to make their formal applications for public and hazard mitigation assistance. Failure to comply with the deadlines for making application for public and mitigation assistance as established in 44 CFR Part 206 and the Stafford Act (PL 923-288) may jeopardize or eliminate the jurisdiction's or private nonprofit entity's ability to receive assistance.

7.6(5) Forfeiture of assistance funding. Failure to provide timely and accurate damage assessment and impact statement information may jeopardize or eliminate an applicant's ability to receive federal and state disaster assistance funds that may otherwise be available.

State participation in funding of disaster financial assistance in a presidentially declared disaster shall be contingent upon the commission's having on file a state-approved, comprehensive emergency plan which meets the standards as provided in paragraph 7.3(4) "d."

[ARC 0129C, IAB 5/30/12, effective 7/4/12]

605—7.7(29C) Emergency management performance grant (EMPG) program. Emergency management is a joint responsibility of the federal government, the states, and their political subdivisions. "Emergency management" means all those activities and measures designed or undertaken to mitigate against, prepare for, respond to, or recover from the effects of a human-caused, technological, or natural hazard. The purpose of the emergency management performance grant program is to provide the necessary assistance to commissions to ensure that a comprehensive emergency system exists for all hazards.

7.7(1) Eligibility. Commissions may be eligible for funding under the state and emergency management performance grant program by meeting the requirements, conditions, duties and responsibilities for commissions and local emergency management coordinators established in rules 605—7.3(29C) and 605—7.4(29C). In addition, the commission shall ensure that the coordinator works an average of 20 hours per week or more toward the emergency management effort. Commissions formed under subrule 7.5(5) shall ensure that the coordinator works an average of 40 hours per week toward the emergency management effort.

7.7(2) Application for funding. Commissions may apply for funding under the emergency management performance grant program by entering into an agreement with the division and by completing the necessary application and forms, as published and distributed yearly to each commission by the division.

7.7(3) Allocation and distribution of funds.

a. The homeland security and emergency management division shall allocate funds to eligible commissions within 45 days of receipt of notice from the federal Department of Homeland Security, Preparedness Directorate, Office of Grants and Training, that such funds are available. The division shall use a formula for the allocation of funds based upon the number of eligible applicants, the part-time or full-time status of the coordinator, 50 percent equal-share base, and 50 percent population base. The total allocation of funds for an applicant may not exceed the lesser of \$39,000 or the amount requested by the applicant.

b. The formula shall be applied in the following manner: The pass-through amount is divided equally between an equal-share base and a population base.

(1) The amount of total equal-share base dollars is divided by the total number of EMPG counties to establish a per-county average. For counties with part-time coordinators, the per-county average is reduced by 50 percent to determine the part-time county allocation. The total baseline dollar amount, minus the cumulative total dollars already allocated to part-time counties, is then divided by the total number of counties with full-time coordinators to determine the full-time county allocation.

(2) The population base amount for each county is determined by adding the populations of all counties together; then each county's population is divided by that total population to determine a percentage. The total population base dollars are then multiplied by a county's percentage to determine that county's share of the population dollars.

c. Funds will be reimbursed to commissions on a federal fiscal year, quarterly basis; and such reimbursement will be based on eligible claims made against the commission's allocation. In no case will the allocation or reimbursement of funds be greater than one-half of the total cost of eligible emergency management related expenses.

7.7(4) Compliance. The administrator may withhold or recover emergency management performance grant funds from any commission for its failure or its coordinator's failure to meet any of the following conditions:

- a. Appoint a qualified coordinator.
- b. Comply with continuing education requirements.
- c. Adopt a comprehensive emergency plan that meets current standards.
- d. Determine the mission of its agency.
- e. Show continuing progress in fulfilling the commission's duties and obligations.
- f. Conduct commission business according to the guidelines and rules established in this chapter.
- g. Enter into and file a cooperative agreement with the division by the stipulated filing date.
- h. Abide by state and federal regulations governing the proper disbursement and accountability for federal funds, equal employment opportunity and merit system standards.
- i. Accomplish work specified in one or more program areas, as agreed upon in the cooperative agreement, or applicable state or federal rule or statute.
- j. Provide the required matching financial contribution.
- k. Expend funds for authorized purposes or in accordance with applicable laws, regulations, terms and conditions.
- l. Respond to, or cooperate with, state efforts to determine the extent and nature of compliance with the cooperative agreement.

7.7(5) Serious nonperformance problems. If a commission cannot demonstrate achievement of agreed-upon work products, the division is empowered to withhold reimbursement or to recover funds from the commission. Corrective action procedures are designed to focus the commission's attention on nonperformance problems and to bring about compliance with the cooperative agreement. Corrective action procedures, which could lead to sanction, may be enacted as soon as the administrator becomes aware of serious nonperformance or noncompliance. This realization may arise from staff visits or other contacts with the local emergency management agency or commission, from indications in the commission's or coordinator's quarterly report that indicate a significant shortfall from planned accomplishments, or from the commission's or coordinator's failure to report. Financial sanctions are to be applied only after corrective action remedies fail to result in accomplishment of agreed-upon work product.

7.7(6) Corrective actions.

a. *Informal corrective action.* As a first and basic step to correcting nonperformance, a designated member of the homeland security and emergency management division staff will visit, call or write the local emergency management coordinator to determine the reason for nonperformance and seek an agreeable resolution.

b. *Formal corrective action.* On those occasions when there is considerable discrepancy between agreed-upon and actual performance and response to informal corrective action is not sufficient or agreeable, the division will take the following steps:

(1) Homeland security and emergency management division staff will review the scope of work, as agreed to in the cooperative agreement, to determine the extent of nonperformance. To focus attention on the total nonperformance issue, all instances of nonperformance will be addressed together in a single correspondence to the commission.

(2) The administrator will prepare a letter to the commission which will contain, at a minimum, the following information:

1. The reasons why the division believes the commission may be in noncompliance, including the specified provisions in question.
2. A description of the efforts made by the division to resolve the matter and the reasons these efforts were unsuccessful.

3. A declaration of the commission's commitment to accomplishing the work agreed upon and specified in the comprehensive cooperative agreement and its importance to the emergency management capability of the local jurisdiction.

4. A description of the exact actions or alternative actions required of the commission to bring the problem to an agreed resolution.

5. A statement that this letter constitutes the final no-penalty effort to achieve a resolution and that financial sanctions provided for in these rules will be undertaken if a satisfactory response is not received by the division within 30 days.

7.7(7) *Financial sanctions.* If the corrective actions heretofore described fail to produce a satisfactory resolution to cases of serious nonperformance, the administrator may invoke the following financial sanction procedures:

a. Send a Notice of Intention to Withhold Payment to the chairperson of the commission. This notice shall also contain notice of a reasonable time and place for a hearing, should the commission request a hearing before the administrator.

b. Any request by a commission for a hearing must be made in writing, to the division, within 15 days of receipt of the Notice of Intention to Withhold Payment.

c. Any hearing under the Notice of Intention to Withhold Payment shall be held before the administrator. However, the administrator may designate an administrative law judge to take evidence and certify to the administrator the entire record, including findings and recommended actions.

d. The commission shall be given full opportunity to present its position orally and in writing.

e. If, after a hearing, the administrator finds sufficient evidence that the commission has violated established rules and regulations or the terms and conditions of the cooperative agreement, the administrator may withhold such contributions and payments as may be considered advisable, until the failure to expend funds in accordance with said rules, regulations, terms and conditions has been corrected or the administrator is satisfied that there will no longer be any such failure.

f. If upon the expiration of the 15-day period stated for a hearing, a hearing has not been requested, the administrator may issue the findings and take appropriate action as described in paragraph 7.7(7) "*e.*"

g. If the administrator finds there is serious nonperformance by the commission or its coordinator and issues an order to withhold payments to the commission as described in this rule, the commission shall not receive funds under the emergency management performance grant program for the remainder of the federal fiscal year in which the order is issued and one additional year or until such time that all issues of nonperformance have been agreeably addressed by the division and the commission.

h. Any emergency management performance grant program funds withheld or recovered by the division as a result of this process shall be reallocated at the end of the federal fiscal year to the remaining participating commissions.

[ARC 8543B, IAB 2/24/10, effective 4/14/10; ARC 0129C, IAB 5/30/12, effective 7/4/12]

These rules are intended to implement Iowa Code sections 29C.6 and 29C.8.

[Filed 4/29/77, Notice 1/12/77—published 5/18/77, effective 6/22/77]

[Filed 3/20/90, Notice 2/7/90—published 4/18/90, effective 5/23/90]

[Filed 4/22/93, Notice 3/17/93—published 5/12/93, effective 6/16/93]

[Filed emergency 4/24/00—published 5/17/00, effective 5/17/00]

[Filed 7/18/00, Notice 5/17/00—published 8/9/00, effective 9/13/00]

[Filed without Notice 9/15/00—published 10/4/00, effective 11/8/00]

[Filed emergency 8/15/03—published 9/3/03, effective 9/3/03]

[Filed 10/23/03, Notice 9/3/03—published 11/12/03, effective 12/17/03]

[Filed 8/10/07, Notice 6/20/07—published 8/29/07, effective 10/3/07][◇]

[Filed ARC 8116B (Notice ARC 7951B, IAB 7/15/09), IAB 9/9/09, effective 10/14/09]

[Filed Without Notice ARC 8543B, IAB 2/24/10, effective 4/14/10]

[Filed ARC 9332B (Notice ARC 9226B, IAB 11/17/10), IAB 1/12/11, effective 2/16/11]

[Filed ARC 0129C (Notice ARC 0023C, IAB 2/22/12), IAB 5/30/12, effective 7/4/12]

[◇] Two or more ARCs

TRANSPORTATION DEPARTMENT[761]

Rules transferred from agency number [820] to [761] to conform with the reorganization numbering scheme in general IAC Supp. 6/3/87.

*GENERAL***CHAPTER 1****ORGANIZATION OF THE DEPARTMENT OF TRANSPORTATION**

- 1.1(307) Definitions
- 1.2(17A) Mission statement
- 1.3(17A) Location and business hours
- 1.4(17A) Information and forms
- 1.5(307) History
- 1.6(17A,307,307A) Commission
- 1.7(17A,307) Director of transportation
- 1.8(17A,307) Divisions

CHAPTER 2**PROVISIONS APPLICABLE TO ALL RULES**

- 2.1(307) Definitions

CHAPTER 3

Reserved

CHAPTER 4**PUBLIC RECORDS AND FAIR INFORMATION PRACTICES**

(Uniform Rules)

- 4.1(22,304) General provisions
- 4.2(22) Statement of policy and purpose
- 4.3(22) Access to records
- 4.4(22) Access to confidential records
- 4.5(22) Consent to release a confidential record to a third party
- 4.6(22) Requests for confidential treatment
- 4.7(22) Procedure by which additions, dissents, or objections may be entered into records
- 4.8(22) Notice to suppliers of information
- 4.9(22) Confidential records

CHAPTERS 5 to 9

Reserved

CHAPTER 10**ADMINISTRATIVE RULES**

- 10.1(17A) General
- 10.2(17A) Rule making
- 10.3(17A) Petitions for rule making

CHAPTER 11**WAIVER OF RULES**

- 11.1(17A) Purpose and scope
- 11.2(17A) Authority to grant waiver
- 11.3(17A) Criteria, considerations and limitations
- 11.4(17A) Decision on waiver
- 11.5(17A) Petition for waiver
- 11.6(17A) Action on petition
- 11.7(17A) Modification or cancellation of waiver
- 11.8(17A) Records

CHAPTER 12
DECLARATORY ORDERS

12.1(17A)	Definitions
12.2(17A)	Petition for declaratory order
12.3(17A)	Notice of petition
12.4(17A)	Action on petition
12.5(17A)	Effect of a declaratory order

CHAPTER 13
CONTESTED CASES

13.1(17A)	Definitions
13.2(17A)	Applicability
13.3(17A)	Initiation of contested case
13.4(17A)	Submission of request for informal settlement or hearing
13.5(17A)	Informal settlement
13.6(17A)	Contested case decision
13.7(17A)	Appeal
13.8(17A)	Motion for review
13.9(17A)	Rehearings
13.10(17A)	Maintenance of records
13.11(17A)	Use of legal assistants or paralegals
13.12(17A)	Communications
13.13(17A)	Default
13.14 to 13.19	Reserved
13.20(17A)	Additional procedures when the department is not a party

CHAPTERS 14 to 19
Reserved

CHAPTER 20
PROCUREMENT OF EQUIPMENT, MATERIALS, SUPPLIES AND SERVICES

20.1(307)	Scope of chapter
20.2(307)	Definitions
20.3(307)	Procurement policy
20.4(307)	Formal advertising procedures and requirements
20.5(307)	Limited solicitation of bids
20.6 and 20.7	Reserved
20.8(307)	Negotiation—architectural, landscape architectural, engineering and related professional and technical services

CHAPTERS 21 to 24
Reserved

CHAPTER 25
COMPETITION WITH PRIVATE ENTERPRISE

25.1(23A)	Interpretation
25.2(23A)	Exemptions

CHAPTER 26
Reserved

CHAPTER 27
INTEREST ON RETAINED FUNDS

27.1(573) Interest on retained funds

CHAPTER 28
IOWA TRANSPORTATION MAP

28.1(307) Definition
28.2(307) Information
28.3(307) Policy

CHAPTERS 29 to 39
Reserved

CHAPTER 40
RECOVERY OF DAMAGES TO HIGHWAYS OR HIGHWAY STRUCTURES

40.1(321) Scope
40.2(321) Definitions
40.3(321) Information
40.4(321) Accident scene
40.5(321) Repair of facilities
40.6(321) Recovery of damages

CHAPTERS 41 to 99
Reserved

HIGHWAYS

CHAPTER 100
Reserved

CHAPTER 101
FARM-TO-MARKET REVIEW BOARD

101.1(306) Purpose
101.2(306) Definitions
101.3(306) Composition and membership of the farm-to-market review board
101.4(306) Collection of system modification requests and frequency of meetings
101.5(306) Procedure for requesting modifications to the farm-to-market road system
101.6(306) Review criteria for determining eligibility for inclusion of additional roads into the farm-to-market road system
101.7(306) Voting and approval of requested modifications
101.8(306) Report of board decision to applicant county
101.9(306) Reapplication for modification
101.10(306) Judicial review
101.11(306) Adoption and modification of rules
101.12(306) Severability clause

CHAPTER 102
SECONDARY ROAD FUND DISTRIBUTION COMMITTEE

102.1(312) Purpose
102.2(312) Initial formulas
102.3 and 102.4 Reserved
102.5(312) Composition and membership of the secondary road fund distribution committee
102.6(312) Terms of office and rotation of seats
102.7(312) Committee meetings
102.8 and 102.9 Reserved

- 102.10(312) Considerations for a new or modified distribution formula
- 102.11(312) Process for approval of a new or modified distribution formula
- 102.12(312) Judicial review
- 102.13(312) Severability clause

CHAPTERS 103 and 104
Reserved

CHAPTER 105
HOLIDAY REST STOPS

- 105.1(307) Purpose
- 105.2(307) General
- 105.3(321) Conditions
- 105.4(321) Holiday rest stops on interstate highways
- 105.5(307) Holiday rest stops on primary highways

CHAPTER 106
PROMOTION OF IOWA AGRICULTURAL PRODUCTS AT REST AREAS

- 106.1(307) Purpose
- 106.2(307) Definitions
- 106.3(307) Information
- 106.4(307) Request
- 106.5(307) Time frame
- 106.6(307) Conditions
- 106.7(307) Site location

CHAPTERS 107 to 109
Reserved

RIGHT-OF-WAY AND ENVIRONMENT

CHAPTER 110
HIGHWAY PROJECT PLANNING

- 110.1(17A) Availability of information

CHAPTER 111
REAL PROPERTY ACQUISITION AND RELOCATION ASSISTANCE

- 111.1(316) Acquisition and relocation assistance manual

CHAPTER 112
PRIMARY ROAD ACCESS CONTROL

- 112.1(306A) General information
- 112.2(306A) Definitions
- 112.3(306A) General requirements for control of access
- 112.4(306A) General requirements for entrances where access rights have not been acquired
- 112.5(306A) Additional requirements for Type "A" entrances
- 112.6(306A) Drainage requirements
- 112.7(306A) Access to Priority I, II, III and IV highways
- 112.8(306A) Access to Priority V highways, rural areas
- 112.9(306A) Access to Priority V highways, fringe or built-up areas, and Priority VI highways, all areas
- 112.10 Reserved
- 112.11(306A) Policy on acquisition of access rights
- 112.12(306A) Policy on location of predetermined access locations

- 112.13(306A) Policy on special access connections where access rights have been previously acquired
- 112.14(306A) Recreational trail connections

CHAPTERS 113 and 114

Reserved

CHAPTER 115

UTILITY ACCOMMODATION

- 115.1(306A) General information
- 115.2(306A) Definitions
- 115.3 Reserved
- 115.4(306A) General requirements for occupancy of the right-of-way
- 115.5(306A) General design provisions
- 115.6(306A) Scenic enhancement
- 115.7(306A) Liability
- 115.8(306A) Utility accommodation permit
- 115.9(306A) Traffic protection
- 115.10(306A) Construction responsibilities and procedures
- 115.11(306A) Vertical overhead clearance requirements
- 115.12(306A) Utility facility attachments to bridges
- 115.13(306A) Underground utility facilities
- 115.14(306A) Freeways
- 115.15(306A) Transverse installations on freeways
- 115.16(306A) Longitudinal installations on freeways
- 115.17(306A) Nonfreeway primary highways
- 115.18(306A) Longitudinal installations on nonfreeway primary highways
- 115.19(306A) Maintenance and emergency work
- 115.20(306A) Abandonment or removal of utility facilities
- 115.21 to 115.24 Reserved
- 115.25(306A) Utility facility adjustments for highway improvement projects
- 115.26(306A) Notice of project
- 115.27(306A) First plan submission, preliminary work plan and agreement
- 115.28(306A) Second plan submission, final work plan and permit application
- 115.29(306A) Notice of work
- 115.30(306A) Miscellaneous adjustment provisions

CHAPTER 116

JUNKYARD CONTROL

- 116.1(306C) Definitions
- 116.2(306C) Junkyards prohibited—exceptions
- 116.3(306C) Screening or removal
- 116.4(306C) Acquisition
- 116.5(306C) Screening
- 116.6(306C) Nuisance—injunction
- 116.7(17A) Hearings and appeals
- 116.8(306C) Contact information

CHAPTER 117

OUTDOOR ADVERTISING

- 117.1(306B,306C) Definitions
- 117.2(306B,306C) General provisions
- 117.3(306B,306C) General criteria

- 117.4(306B,306C) Interstate special provisions for on-premises signs
- 117.5(306B,306C) Location, size and spacing requirements
- 117.6(306C) Outdoor advertising permits and fees required
- 117.7(306C) Official signs and notices, public utility signs, and service club and religious notices
- 117.8(306B,306C) Removal procedures
- 117.9(306B,306C) Acquisition of advertising devices that have been issued provisional permits
- 117.15(306C) Development directory signing

CHAPTER 118 LOGO SIGNING

- 118.1(306C) Introduction
- 118.2(306C) Definitions
- 118.3(306C) Erection and location of specific service signs and placement of business signs
- 118.4(306C) Eligibility for placement of business signs on mainline specific service signs
- 118.5(306C) Application, drawing, and fees
- 118.6(306C) Business sign blank specifications
- 118.7(306C) Business sign face specifications
- 118.8(306C) RV symbol

CHAPTER 119 TOURIST-ORIENTED DIRECTIONAL SIGNING

- 119.1(321) Definitions
- 119.2(321) General
- 119.3(321) General eligibility requirements for an activity or site
- 119.4(321) Specific eligibility requirements for the type of activity or site
- 119.5(321) Application and approval procedure
- 119.6(321) Installation, maintenance, replacement and removal

CHAPTER 120 PRIVATE DIRECTIONAL SIGNING

- 120.1(306C) Definitions
- 120.2(306C) General requirements
- 120.3(306C) Size requirements
- 120.4(306C) Lighting requirements
- 120.5(306C) Spacing and location requirements
- 120.6(306C) Message content
- 120.7(306C) Eligibility for private directional signs
- 120.8(306C) Application and approval procedures
- 120.9(306C) Fees
- 120.10(306C) Erection and maintenance

CHAPTER 121 ADOPT-A-HIGHWAY PROGRAM

- 121.1(307) Purpose
- 121.2(307) Information and location
- 121.3(307) Program guidelines
- 121.4(307) Sponsors
- 121.5(307) Eligible activities
- 121.6(307) Procedure

CHAPTER 122
KEEP IOWA BEAUTIFUL PROGRAM

122.1(314)	Purpose
122.2(314)	Information
122.3(314)	Allocation of funds
122.4	Reserved
122.5(314)	Community projects
122.6	Reserved
122.7(314)	Statewide projects

CHAPTERS 123 and 124
Reserved

CONSTRUCTION

CHAPTER 125
GENERAL REQUIREMENTS AND COVENANTS FOR HIGHWAY
AND BRIDGE CONSTRUCTION

125.1(307A)	Standard specifications
125.2	Reserved
125.3(307A)	Availability of specifications

CHAPTERS 126 to 129
Reserved

TRAFFIC OPERATIONS

CHAPTER 130
SIGNING MANUAL

130.1(321)	Manual
------------	--------

CHAPTER 131
SIGNING ON PRIMARY ROADS

131.1(321)	Destination signs at an intersection
131.2(321)	Erection of signs for numbered business routes
131.3(321)	Erection of signs for schools
131.4(321)	Erection of camping service signs on interstate highways
131.5(321)	Erection of signs for sanitary landfills
131.6(321)	Erection of signs for special events
131.7(321)	Erection of signs for organized off-highway camps
131.8(321)	Erection of signs for county conservation parks
131.9(321)	Erection of no parking signs
131.10(321)	Signing for named routes
131.11 to 131.14	Reserved
131.15(321)	Information and address

CHAPTER 132
IOWA SCENIC BYWAY PROGRAM

132.1(306D)	Purpose, overview and information
132.2(306D)	Definition
132.3(306D)	Designations
132.4(306D)	General requirements
132.5(306D)	Application and approval process
132.6(306D)	Reevaluation
132.7(306D)	Promotional and tourism efforts

CHAPTERS 133 to 135

Reserved

CHAPTER 136

LIGHTING

- 136.1(319) Lighting of primary-secondary intersections
- 136.2(319) Destination lighting
- 136.3 to 136.5 Reserved
- 136.6(306) Warrants and design requirements for lighting

CHAPTERS 137 to 139

Reserved

CHAPTER 140

TRAFFIC SIGNALS AND BEACONS
ON PRIMARY ROADS

- 140.1(321) Erection of traffic signals and beacons on primary highways

CHAPTER 141

Reserved

CHAPTER 142

SPEED ZONING ON PRIMARY HIGHWAYS

- 142.1(321) Adjustment of speed zones on primary highways

CHAPTER 143

TRAFFIC SIGNAL SYNCHRONIZATION

- 143.1(364) Definitions
- 143.2(364) Applicability
- 143.3 Reserved
- 143.4(364) Required synchronization

CHAPTERS 144 to 149

Reserved

PRIMARY ROAD EXTENSIONS

CHAPTER 150

IMPROVEMENTS AND MAINTENANCE ON PRIMARY ROAD EXTENSIONS

- 150.1(306) Definitions
- 150.2(306) Improvements and maintenance on extensions of freeways
- 150.3(306) Improvements and maintenance on extensions of nonfreeway primary highways
- 150.4(306) General requirements for primary road extensions

CHAPTER 151

CITY REQUESTS FOR CLOSURE OF
PRIMARY ROAD EXTENSIONS

- 151.1(321) Closing primary road extensions

CHAPTERS 152 to 159

Reserved

SPECIAL HIGHWAY PROGRAMS

CHAPTER 160

COUNTY AND CITY BRIDGE CONSTRUCTION FUNDS

- 160.1(312) Source of funds
- 160.2(312) Administration of funds

CHAPTER 161

FEDERAL-AID HIGHWAY BRIDGE REPLACEMENT
AND REHABILITATION PROGRAM

- 161.1(307) Source of funds
- 161.2(307) Administration of funds

CHAPTER 162

BRIDGE SAFETY FUND

- 162.1(83GA,SF376) Purpose and source of funds
- 162.2(83GA,SF376) Definitions
- 162.3(83GA,SF376) General information
- 162.4(83GA,SF376) Eligibility

CHAPTER 163

RISE PROGRAM

- 163.1(315) Definitions
- 163.2(315) Purpose of RISE program
- 163.3(315) Administration of RISE program
- 163.4(315) Source, allocation, and use of RISE funds
- 163.5(315) Project financing and funding shares
- 163.6(315) Eligibility of applicants and joint applications
- 163.7(315) Project activities eligible and ineligible for RISE funds
- 163.8(315) Immediate opportunity projects
- 163.9(315) Local development projects
- 163.10 Reserved
- 163.11(315) Project administration

CHAPTER 164

TRAFFIC SAFETY IMPROVEMENT PROGRAM

- 164.1(312) Definitions
- 164.2(312) Information and forms
- 164.3(312) Program administration
- 164.4(312) Applicant eligibility
- 164.5(312) Project eligibility
- 164.6(312) Eligible project costs
- 164.7(312) Ineligible project costs
- 164.8(312) Applications
- 164.9(312) Processing the application
- 164.10(312) Project agreement

CHAPTER 165

RECREATIONAL TRAILS PROGRAM

- 165.1(312) Definitions
- 165.2(312) Information and forms
- 165.3 and 165.4 Reserved
- 165.5(312) Program administration
- 165.6 to 165.8 Reserved

165.9(312)	Applicant eligibility
165.10 and 165.11	Reserved
165.12(312)	Project eligibility
165.13 and 165.14	Reserved
165.15(312)	Eligible project costs
165.16	Reserved
165.17(312)	Ineligible project costs
165.18	Reserved
165.19(312)	Advance eligibility waivers
165.20 and 165.21	Reserved
165.22(312)	Application
165.23(312)	Application procedure
165.24 and 165.25	Reserved
165.26(312)	Evaluation and approval
165.27 to 165.29	Reserved
165.30(312)	Project agreement
165.31 and 165.32	Reserved
165.33(312)	Noncompliance

CHAPTERS 166 to 169
Reserved

LOCAL SYSTEMS

CHAPTER 170

ALLOCATION OF FARM-TO-MARKET ROAD FUNDS

170.1(310)	Temporary allocation
------------	----------------------

CHAPTER 171
Reserved

CHAPTER 172

AVAILABILITY OF INSTRUCTIONAL MEMORANDUMS
TO COUNTY ENGINEERS

172.1(307A)	Instructional memorandums to county engineers
-------------	-----------------------------------------------

CHAPTER 173

PREPARATION OF SECONDARY ROAD CONSTRUCTION PROGRAMS,
BUDGETS, AND COUNTY ENGINEERS' ANNUAL REPORTS

173.1(309)	County construction program
173.2(309)	County secondary road budget
173.3(309)	County engineer's annual report
173.4(309)	Contact information

CHAPTER 174

REIMBURSABLE SERVICES AND SUPPLIES

174.1(307)	Contact information
174.2(307)	Reimbursable services and supplies

CHAPTERS 175 to 177
Reserved

CHAPTER 178
PROJECT COST REPORTING REQUIREMENTS
FOR CITIES AND COUNTIES

178.1(314)	Purpose
178.2(314)	Contact information
178.3(314)	Definitions
178.4(314)	Detailed instructions furnished to cities and counties
178.5(314)	Project reporting

CHAPTER 179
Reserved

CHAPTER 180
PUBLIC IMPROVEMENT QUOTATION PROCESS FOR GOVERNMENTAL ENTITIES

180.1(314)	Purpose
180.2(314)	Contact information
180.3(314)	Definitions
180.4(314)	Types of projects
180.5(314)	Solicitation of quotations
180.6(314)	Submission of competitive quotation by governmental entity
180.7(314)	Form and content of competitive quotations
180.8(314)	Evaluation of competitive quotations
180.9(314)	Award of contract and subsequent procedures
180.10(314)	Retained funds

CHAPTER 181
STATEWIDE STANDARD FOR PERMITTING
CERTAIN IMPLEMENTS OF HUSBANDRY

181.1(321)	Statewide standard
------------	--------------------

CHAPTERS 182 to 200
Reserved

INTERMODAL

CHAPTER 201
INTERMODAL PILOT PROJECT PROGRAM

201.1(473)	General information
201.2(473)	Definitions
201.3(473)	Eligibility
201.4(473)	Financial assistance
201.5(473)	Application procedure
201.6(473)	Staff analysis
201.7(473)	Staff recommendation
201.8(473)	Commission action
201.9(473)	Contract preparation and execution
201.10(473)	Monitoring

CHAPTERS 202 to 399
Reserved

VEHICLES

CHAPTER 400

VEHICLE REGISTRATION AND CERTIFICATE OF TITLE

400.1(321)	Definitions
400.2(321)	Vehicle registration and certificate of title—general provisions
400.3(321)	Application for certificate of title or registration for a vehicle
400.4(321)	Supporting documents required
400.5(321)	Where to apply for registration or certificate of title
400.6(17A)	Addresses, information and forms
400.7(321)	Information appearing on title or registration
400.8(321)	Release form for cancellation of security interest
400.9	Reserved
400.10(321)	Assignment of security interest
400.11(321)	Sheriff's levy, restitution lien, and forfeiture lien noted as security interests
400.12(321)	Replacement certificate of title
400.13(321)	Bond required before title issued
400.14(321)	Transfer of ownership
400.15(321)	Cancellation of a certificate of title
400.16(321)	Application for certificate of title or original registration for a specially constructed, reconstructed, street rod or replica motor vehicle
400.17 and 400.18	Reserved
400.19(321)	Temporary use of vehicle without plates or registration card
400.20(321)	Registration of motor vehicle weighing 55,000 pounds or more
400.21(321)	Registration of vehicles on a restricted basis
400.22(321)	Transfers of ownership by operation of law
400.23(321)	Junked vehicle
400.24(321)	New vehicle registration fee
400.25(321)	Fees established by the department
400.26(321)	Anatomical gift
400.27(321,322)	Vehicles held for resale or trade by dealers
400.28(321)	Special trucks
400.29	Reserved
400.30(321)	Registration of vehicles registered in another state or country
400.31	Reserved
400.32(321)	Vehicles owned by nonresident members of the armed services
400.33 and 400.34	Reserved
400.35(321)	Registration of vehicles equipped for persons with disabilities
400.36(321)	Land and water-type travel trailers registration fee
400.37(321)	Motorcycle primarily designed or converted to transport property
400.38	Reserved
400.39(321)	Conversion of motor vehicles
400.40(321)	Manufactured or mobile home converted to or from real property
400.41	Reserved
400.42(321)	Church bus registration fee
400.43(321)	Storage of vehicles
400.44(321)	Penalty on registration fees
400.45(321)	Suspension, revocation or denial of registration
400.46(321)	Termination of suspension of registration
400.47(321)	Raw farm products
400.48 and 400.49	Reserved
400.50(321,326)	Refund of registration fees

400.51(321)	Assigned identification numbers
400.52(321)	Odometer statement
400.53(321)	Stickers
400.54(321)	Registration card issued for trailer-type vehicles
400.55(321)	Damage disclosure statement
400.56(321)	Hearings
400.57	Reserved
400.58(321)	Motorized bicycles
400.59(321)	Registration documents lost or damaged in transit through the United States postal service
400.60(321)	Credit of registration fees
400.61(321)	Reassignment of registration plates
400.62(321)	Storage of registration plates, certificate of title forms and registration forms
400.63(321)	Disposal of surrendered registration plates
400.64(321)	County treasurer's report of motor vehicle collections and funds
400.65 to 400.69	Reserved
400.70(321)	Removal of registration and plates by peace officer under financial liability coverage law

CHAPTER 401 SPECIAL REGISTRATION PLATES

401.1(321)	Definition
401.2(321)	Application, issuance and renewal
401.3	Reserved
401.4(321)	Gift certificates
401.5(321)	Amateur radio call letter plates
401.6(321)	Personalized plates
401.7(321)	Collegiate plates
401.8(321)	Medal of Honor plates
401.9(321)	Firefighter plates
401.10(321)	Emergency medical services plates
401.11(321)	Natural resources plates
401.12	Reserved
401.13(321)	Disabled veteran plates
401.14	Reserved
401.15(321)	Processed emblem application and approval process
401.16(321)	Special plates with processed emblems—general
401.17(321)	State agency-sponsored processed emblem plates
401.18(321)	Combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, combat medical badge, fallen peace officers and civil war sesquicentennial plates
401.19(321)	Legion of Merit plates
401.20(321)	Persons with disabilities plates
401.21(321)	Ex-prisoner of war plates
401.22(321)	National guard plates
401.23(321)	Pearl Harbor plates
401.24(321)	Purple Heart, Silver Star and Bronze Star plates
401.25(321)	U.S. armed forces retired plates
401.26 to 401.30	Reserved
401.31(321)	Veteran plates
401.32(321)	Surrender of plates
401.33(321)	Validation fees

- 401.34(321) Reassignment of plates
- 401.35(321) Revocation of special registration plates
- 401.36(321) Refund of fees

CHAPTERS 402 to 404
Reserved

CHAPTER 405
SALVAGE

- 405.1(321) Applicability
- 405.2(321) Definitions
- 405.3(321) Salvage title
- 405.4 and 405.5 Reserved
- 405.6(321) Iowa salvage title required
- 405.7(321) Converting salvage title to regular title
- 405.8(321) Foreign vehicles
- 405.9(321) Records check
- 405.10(321) Designations
- 405.11 to 405.14 Reserved
- 405.15(321) Salvage theft examination

CHAPTERS 406 to 409
Reserved

CHAPTER 410
SPECIAL MOBILE EQUIPMENT

- 410.1(321) General
- 410.2(321E) Special mobile equipment transported on a registered vehicle

CHAPTER 411
PERSONS WITH DISABILITIES PARKING PERMITS

- 411.1(321L) Administration
- 411.2(321L) Application for persons with disabilities parking permit
- 411.3(321L) Removable windshield placards
- 411.4(321L) Persons with disabilities special registration plate parking stickers
- 411.5(321L) Persons with disabilities special registration plates
- 411.6 Reserved
- 411.7(321L) Revocation
- 411.8(321L) Return of parking permit

CHAPTERS 412 to 414
Reserved

CHAPTER 415
DRIVER'S PRIVACY PROTECTION—CERTIFICATES
OF TITLE AND VEHICLE REGISTRATION

- 415.1(321) Applicability
- 415.2(321) Adoption
- 415.3(321) Definitions
- 415.4(321) Requirements and procedures

CHAPTERS 416 to 423
Reserved

CHAPTER 424 TRANSPORTER PLATES

424.1(321)	General
424.2 and 424.3	Reserved
424.4(321)	Transporter plates

CHAPTER 425 MOTOR VEHICLE AND TRAVEL TRAILER DEALERS, MANUFACTURERS, DISTRIBUTORS AND WHOLESALERS

425.1(322)	Introduction
425.2	Reserved
425.3(322)	Definitions
425.4 to 425.9	Reserved
425.10(322)	Application for dealer's license
425.11	Reserved
425.12(322)	Motor vehicle dealer's place of business
425.13	Reserved
425.14(322)	Travel trailer dealer's place of business
425.15 and 425.16	Reserved
425.17(322)	Extension lot license
425.18(322)	Supplemental statement of changes
425.19	Reserved
425.20(322)	Fleet vehicle sales and retail auction sales
425.21 to 425.23	Reserved
425.24(322)	Miscellaneous requirements
425.25	Reserved
425.26(322)	Fairs, shows and exhibitions
425.27 and 425.28	Reserved
425.29(322)	Classic car permit
425.30(322)	Motor truck display permit
425.31(322)	Firefighting and rescue show permit
425.32 to 425.39	Reserved
425.40(322)	Salespersons of dealers
425.41 to 425.49	Reserved
425.50(322)	Manufacturers, distributors, and wholesalers
425.51 and 425.52	Reserved
425.53(322)	Wholesaler's financial liability coverage
425.54 to 425.59	Reserved
425.60(322)	Right of inspection
425.61	Reserved
425.62(322)	Denial, suspension or revocation
425.63 to 425.69	Reserved
425.70(321)	Dealer plates
425.71	Reserved
425.72(321)	Demonstration permits

CHAPTERS 426 to 429 Reserved

CHAPTER 430 MOTOR VEHICLE LEASING LICENSES

430.1(321F)	General
430.2(321F)	Application

- 430.3(321F) Supplemental statements
- 430.4(321F) Separate licenses required

CHAPTER 431 VEHICLE RECYCLERS

- 431.1(321H) General
- 431.2(321H) Criteria for a vehicle recycler license
- 431.3(321H) Application
- 431.4(321H) Firm name
- 431.5(321H) Denial, suspension or revocation of license
- 431.6(321) Right of inspection

CHAPTERS 432 to 449

Reserved

CHAPTER 450 MOTOR VEHICLE EQUIPMENT

- 450.1 Reserved
- 450.2(321) Equipment requirements for specially constructed, reconstructed, street rod, and replica motor vehicles, other than motorcycles and motorized bicycles
- 450.3(321) Mud and snow tire
- 450.4(321) Minimum requirements for constructing and equipping specially constructed or reconstructed motorcycles or motorized bicycles
- 450.5 Reserved
- 450.6(321) Safety requirements for the movement of implements of husbandry on a roadway
- 450.7(321) Front windshields, windows or sidewings

CHAPTER 451 EMERGENCY VEHICLE PERMITS

- 451.1(321) Information
- 451.2(321) Authorized emergency vehicle certificate

CHAPTER 452 REFLECTIVE DEVICES ON SLOW-MOVING VEHICLES

- 452.1 and 452.2 Reserved
- 452.3(321) Alternative reflective device

CHAPTER 453 Reserved

CHAPTER 454 TOWING WRECKED OR DISABLED VEHICLES

- 454.1(321) Definitions

CHAPTERS 455 to 479 Reserved

CHAPTER 480 ABANDONED VEHICLES

- 480.1(321) Definitions
- 480.2(321) Location
- 480.3(321) General requirements
- 480.4(321) Abandoned vehicle report
- 480.5(321) Time limits

CHAPTERS 481 to 499

Reserved

MOTOR CARRIERS

CHAPTER 500

INTERSTATE REGISTRATION AND OPERATION OF VEHICLES

500.1(326)	Definitions
500.2(17A,326)	General information
500.3(17A,326)	Waiver of rules
500.4(326)	Renewal for IRP registration
500.5(321)	Deadline for placing a vehicle in storage
500.6(321,326)	Penalty for late filing of renewal
500.7(326)	IRP payment methods
500.8(326)	IRP plate
500.9(326)	Fleet additions and temporary authority
500.10(326)	Fleet deletions
500.11(326)	Voluntary cancellation of registration
500.12(326)	Policy on registration credit
500.13(326)	Penalty for late filing of vehicle schedule
500.14(326)	Renewal and vehicle schedule late payment penalty
500.15(321)	Deadline for payment of first-half fee
500.16(321,326)	Second-half late payment penalty
500.17(326)	Duplicate credentials
500.18(326)	Suspension for nonpayment of registration fees
500.19(326)	Suspension of registration if payment is dishonored by a financial institution
500.20(326)	Making claim for refund
500.21(326)	Registration expiration and enforcement dates
500.22(326)	Registration of vehicles with non-Iowa titles
500.23(326)	Record retention
500.24(326)	Trip permits
500.25(326)	Electronic information

CHAPTERS 501 to 504

Reserved

CHAPTER 505

INTERSTATE MOTOR VEHICLE FUEL LICENSES AND PERMITS

505.1(452A)	Definitions
505.2(452A)	General information
505.3(452A)	General stipulations
505.4(452A)	Quarterly reports
505.5(452A)	Audits—required reports
505.6(452A)	Hearings

CHAPTERS 506 to 510

Reserved

CHAPTER 511

SPECIAL PERMITS FOR OPERATION AND MOVEMENT OF
VEHICLES AND LOADS OF EXCESS SIZE AND WEIGHT

511.1(321E)	Definitions
511.2(321E)	Location and general information
511.3(321E)	Movement under permit

511.4(321E)	Permits
511.5(321,321E)	Fees and charges
511.6(321E)	Insurance and bonds
511.7(321,321E)	Annual permits
511.8(321,321E)	Annual oversize/overweight permits
511.9(321,321E)	All-systems permits
511.10(321,321E)	Multitrip permits
511.11(321,321E)	Single-trip permits
511.12(321,321E)	Maximum axle weights and maximum gross weights for vehicles and loads moved under permit
511.13(321,321E)	Movement of vehicles with divisible loads exceeding statutory size or weight limits
511.14(321E)	Towing units
511.15(321E)	Escorting
511.16(321,321E)	Permit violations

CHAPTER 512

Reserved

CHAPTER 513

COMPACTED RUBBISH VEHICLE PERMITS

513.1(321)	Definitions
513.2(321)	General stipulations
513.3(321)	Application
513.4(321)	Replacement permit
513.5(321)	Permit violations

CHAPTERS 514 to 519

Reserved

CHAPTER 520

REGULATIONS APPLICABLE TO CARRIERS

520.1(321)	Safety and hazardous materials regulations
520.2(321)	Definitions
520.3(321)	Motor carrier safety regulations exemptions
520.4(321)	Hazardous materials exemptions
520.5(321)	Safety fitness
520.6(321)	Out-of-service order
520.7(321)	Driver's statement
520.8(321)	Agricultural operations

CHAPTERS 521 to 523

Reserved

CHAPTER 524

FOR-HIRE INTRASTATE MOTOR CARRIER AUTHORITY

524.1(325A)	Purpose and applicability
524.2(325A)	General information
524.3(325A)	Applications and supporting documents
524.4(325A)	Issuance of credentials
524.5(325A)	Duplicate motor carrier permit or motor carrier certificate
524.6(325A)	Amendment to a motor carrier permit or certificate
524.7(325A)	Insurance—suspension
524.8(325A)	Self-insurance for motor carriers of passengers
524.9(325A)	Safety self-certification

524.10(325A)	Financial statement
524.11(325A)	Safety education seminar
524.12(325A)	Marking of motor vehicles
524.13(325A)	Bills of lading or freight receipts
524.14(325A)	Lease of a vehicle
524.15(325A)	Tariffs
524.16	Reserved
524.17(325A)	Suspension, revocation or reinstatement
524.18(325A)	Hearings

CHAPTERS 525 to 528

Reserved

CHAPTER 529

FOR-HIRE INTERSTATE MOTOR CARRIER AUTHORITY

529.1(327B)	Motor carrier regulations
529.2(327B)	Registering interstate authority in Iowa
529.3(327B)	Waiver of rules

CHAPTERS 530 to 599

Reserved

DRIVER LICENSES

CHAPTER 600

GENERAL INFORMATION

600.1(321)	Definitions
600.2(17A)	Information and location
600.3(321)	Persons exempt
600.4(252J,261,321)	Persons not to be licensed
600.5 to 600.15	Reserved
600.16(321)	Seat belt exemptions

CHAPTER 601

APPLICATION FOR LICENSE

601.1(321)	Application for license
601.2(321)	Surrender of license and nonoperator's identification card
601.3 and 601.4	Reserved
601.5(321)	Proofs submitted with application
601.6(321)	Parental consent
601.7(321)	REAL ID driver's license

CHAPTER 602

CLASSES OF DRIVER'S LICENSES

602.1(321)	Driver's licenses
602.2(321)	Information and forms
602.3	Reserved
602.4(321)	Definitions of immediate family
602.5 to 602.10	Reserved
602.11(321)	Class C noncommercial driver's license
602.12(321)	Class D noncommercial driver's license (chauffeur)
602.13(321)	Class M noncommercial driver's license (motorcycle)
602.14	Reserved
602.15(321)	Minor's restricted license

602.16	Reserved
602.17(321)	Minor's school license
602.18(321)	Motorcycle instruction permit
602.19(321)	Noncommercial instruction permit
602.20	Reserved
602.21(321)	Special noncommercial instruction permit
602.22	Reserved
602.23(321)	Chauffeur's instruction permit
602.24(321)	Motorized bicycle license
602.25(321)	Minor's restricted license
602.26(321)	Minor's school license

CHAPTER 603

Reserved

CHAPTER 604

LICENSE EXAMINATION

604.1(321)	Authority and scope
604.2(321)	Definitions
604.3(17A)	Information and forms
604.4 to 604.6	Reserved
604.7(321)	Examination
604.8 and 604.9	Reserved
604.10(321)	Vision screening
604.11(321)	Vision standards
604.12(321)	Vision referrals
604.13(321)	Vision screening results
604.14 to 604.19	Reserved
604.20(321)	Knowledge test
604.21(321)	Knowledge test requirements and waivers
604.22(321)	Knowledge test results
604.23 to 604.29	Reserved
604.30(321)	Driving test
604.31(321)	Driving test requirements and waivers for noncommercial driver's licenses
604.32 to 604.34	Reserved
604.35(321)	Determination of gross vehicle weight rating
604.36 to 604.39	Reserved
604.40(321)	Failure to pass examination
604.41 to 604.44	Reserved
604.45(321)	Reinstatement
604.46 to 604.49	Reserved
604.50(321)	Special reexaminations

CHAPTER 605

LICENSE ISSUANCE

605.1(321)	Scope
605.2(321)	Contents of license
605.3(321)	License class
605.4(321)	Endorsements
605.5(321)	Restrictions
605.6 to 605.8	Reserved
605.9(321)	Fees for driver's licenses
605.10	Reserved

605.11(321)	Duplicate license
605.12(321)	Address changes
605.13 and 605.14	Reserved
605.15(321)	License extension
605.16(321)	Military extension
605.17 to 605.19	Reserved
605.20(321)	Fee adjustment for upgrading license
605.21 to 605.24	Reserved
605.25(321)	License renewal

CHAPTER 606

Reserved

CHAPTER 607

COMMERCIAL DRIVER LICENSING

607.1(321)	Scope
607.2(17A)	Information
607.3(321)	Definitions
607.4 and 607.5	Reserved
607.6(321)	Exemptions
607.7(321)	Records
607.8 and 607.9	Reserved
607.10(321)	Adoption of federal regulations
607.11 to 607.14	Reserved
607.15(321)	Application
607.16(321)	Commercial driver's license (CDL)
607.17(321)	Endorsements
607.18(321)	Restrictions
607.19	Reserved
607.20(321)	Commercial driver's instruction permit
607.21 to 607.24	Reserved
607.25(321)	Examination for a commercial driver's license
607.26(321)	Vision screening
607.27(321)	Knowledge tests
607.28(321)	Skills test
607.29 and 607.30	Reserved
607.31(321)	Test results
607.32 to 607.34	Reserved
607.35(321)	Issuance of commercial driver's license
607.36	Reserved
607.37(321)	Commercial driver's license renewal
607.38(321)	Transfers from another state
607.39(321)	Disqualification
607.40(321)	Sanctions
607.41 to 607.44	Reserved
607.45(321)	Reinstatement
607.46 to 607.48	Reserved
607.49(321)	Restricted commercial driver's license
607.50(321)	Self-certification of type of driving and submission of medical examiner's certificate
607.51(321)	Determination of gross vehicle weight rating

CHAPTERS 608 and 609

Reserved

CHAPTER 610

RELEASE OF COMPUTERIZED DRIVER'S LICENSE
AND NONOPERATOR'S IDENTIFICATION CARD RECORDS

- 610.1(321) Applicability
- 610.2(321) Definitions
- 610.3(321) Copying files to computer tape cartridges
- 610.4(321,321A) Certified abstract of operating records

CHAPTER 611

DRIVER'S PRIVACY PROTECTION—DRIVER'S LICENSE
AND NONOPERATOR'S IDENTIFICATION CARD

- 611.1(321) Applicability
- 611.2(321) Adoption
- 611.3(321) Definitions
- 611.4(321) Requirements and procedures

CHAPTERS 612 to 614

Reserved

CHAPTER 615

SANCTIONS

- 615.1(321) Definitions
- 615.2(321) Scope
- 615.3(17A) Information and address
- 615.4(321) Denial for incapability
- 615.5 and 615.6 Reserved
- 615.7(321) Cancellations
- 615.8 Reserved
- 615.9(321) Habitual offender
- 615.10 Reserved
- 615.11(321) Periods of suspension
- 615.12(321) Suspension of a habitually reckless or negligent driver
- 615.13(321) Suspension of a habitual violator
- 615.14(321) Suspension for incapability
- 615.15(321) Suspension for unlawful use of a license
- 615.16(321) Suspension for out-of-state offense
- 615.17(321) Suspension for a serious violation
- 615.18(321) Suspension under the nonresident violator compact
- 615.19(321) Suspension for a charge of vehicular homicide
- 615.20(321) Suspension for moving violation during probation
- 615.21(321) Suspension of a minor's school license and minor's restricted license
- 615.22(321) Suspension for nonpayment of fine, penalty, surcharge or court costs
- 615.23(321) Suspensions for juveniles
- 615.24(252J,261) Suspension upon receipt of a certificate of noncompliance
- 615.25 Reserved
- 615.26(321) Suspension or revocation for violation of a license restriction
- 615.27 and 615.28 Reserved
- 615.29(321) Mandatory revocation
- 615.30(321) Revocation for out-of-state offense
- 615.31 Reserved

615.32(321)	Extension of revocation period
615.33(321)	Revocation of a minor's license
615.34 and 615.35	Reserved
615.36(321)	Effective date of suspension, revocation, disqualification or bar
615.37(321)	Service of notice
615.38(17A,321)	Hearing and appeal process
615.39(321)	Surrender of license
615.40(321)	License reinstatement or reissue
615.41	Reserved
615.42(321)	Remedial driver improvement action under Iowa Code section 321.180B
615.43(321)	Driver improvement program
615.44(321)	Driver improvement interview
615.45(321)	Temporary restricted license (work permit)

CHAPTERS 616 to 619

Reserved

CHAPTER 620

OWI AND IMPLIED CONSENT

620.1	Reserved
620.2(321J)	Information and location
620.3(321J)	Issuance of temporary restricted license
620.4(321J)	Hearings and appeals
620.5(321J)	Reinstatement
620.6(321J)	Issuance of temporary restricted license after revocation period has expired
620.7 to 620.9	Reserved
620.10(321J)	Revocation for deferred judgment
620.11 to 620.14	Reserved
620.15(321J)	Substance abuse evaluation and treatment or rehabilitation services
620.16(321J)	Drinking drivers course

CHAPTERS 621 to 624

Reserved

CHAPTER 625

DRIVER'S LICENSES FOR UNDERCOVER
LAW ENFORCEMENT OFFICERS

625.1(321)	Purpose
625.2(321)	Application
625.3(321)	Issuance
625.4(321)	Renewal not permitted
625.5(321)	Cancellation
625.6(321)	Records

CHAPTERS 626 to 629

Reserved

CHAPTER 630

NONOPERATOR'S IDENTIFICATION

630.1(321)	General information
630.2(321)	Application and issuance
630.3(321)	Duplicate card
630.4(321)	Cancellation

CHAPTERS 631 to 633

Reserved

CHAPTER 634

DRIVER EDUCATION

- 634.1(321) Information and location
- 634.2(321) Definition
- 634.3 Reserved
- 634.4(321) Driver education course standards and requirements
- 634.5 Reserved
- 634.6(321) Teacher qualifications
- 634.7(321) Behind-the-wheel instructor's certification
- 634.8(321) Private and commercial driver education schools

CHAPTER 635

MOTORCYCLE RIDER EDUCATION (MRE)

- 635.1(321) Definitions
- 635.2(321) Approved course in motorcycle rider education
- 635.3(321) Instructors
- 635.4(321) Responsibilities of sponsors
- 635.5(321) Use of motorcycle rider education fund
- 635.6(321) Information and location
- 635.7(321) License issuance

CHAPTER 636

MOTORIZED BICYCLE RIDER EDUCATION

- 636.1(321) Information and location
- 636.2(321) Definitions
- 636.3 Reserved
- 636.4(321) Agencies or institutions
- 636.5(321) Private or commercial sponsors
- 636.6 Reserved
- 636.7(321) Course requirements
- 636.8(321) Teacher qualifications
- 636.9(321) Evaluation

CHAPTERS 637 to 639

Reserved

CHAPTER 640

FINANCIAL RESPONSIBILITY

- 640.1(321A) General provisions
- 640.2(321A) Hearing and appeal process
- 640.3(321A) Accident reporting requirements
- 640.4(321A) Security required following accident
- 640.5(321A) Judgments
- 640.6(321A) Proof of financial responsibility for the future
- 640.7(321A) Transfer of suspended registration

CHAPTER 641

FINANCIAL LIABILITY COVERAGE CARDS

- 641.1(321) Purpose and applicability
- 641.2(321) Definitions
- 641.3(321) Content of financial liability coverage card

- 641.4(321) Responsibilities of insurer
- 641.5(321) Acquisition of additional or replacement motor vehicles
- 641.6(321) New policies

CHAPTERS 642 to 699

Reserved

AERONAUTICS

CHAPTER 700

AERONAUTICS ADMINISTRATION

- 700.1(328) Definitions
- 700.2(17A) Location and submission of documents
- 700.3(17A) Hearing and appeal process

CHAPTERS 701 to 709

Reserved

CHAPTER 710

AIRPORT IMPROVEMENT PROGRAM

- 710.1(328) Purpose
- 710.2(328) Definitions
- 710.3(17A) Location and information
- 710.4(330) Federal airport improvement funds
- 710.5(328) State airport improvement funds

CHAPTERS 711 to 714

Reserved

CHAPTER 715

COMMERCIAL AIR SERVICE MARKETING PROGRAM

- 715.1(328) Purpose
- 715.2(328) Definitions
- 715.3(328) Program administration
- 715.4(328) Eligible project activities
- 715.5(328) Ineligible project activities
- 715.6(328) Project selection criteria
- 715.7(328) Application
- 715.8(328) Project administration

CHAPTER 716

COMMERCIAL AIR SERVICE VERTICAL INFRASTRUCTURE PROGRAM

- 716.1(328) Purpose
- 716.2(328) Definitions
- 716.3(328) Information
- 716.4(328) Eligible airports
- 716.5(328) Eligible project activities
- 716.6 Reserved
- 716.7(328) Work plan
- 716.8(328) Project administration

CHAPTER 717

GENERAL AVIATION AIRPORT VERTICAL INFRASTRUCTURE PROGRAM

- 717.1(328) Purpose
- 717.2(328) Definitions

717.3(328)	Information and forms
717.4(328)	Applicant eligibility
717.5(328)	Eligible project activities
717.6	Reserved
717.7(328)	Funding
717.8(328)	Project priorities
717.9(328)	Project applications
717.10(328)	Review and approval
717.11(328)	Project agreement and administration

CHAPTERS 718 and 719

Reserved

CHAPTER 720

IOWA AIRPORT REGISTRATION

720.1(328)	Scope
720.2(328)	Definitions
720.3(328)	Airport site approval required
720.4(328)	Public-use airport
720.5(328)	Private-use airport
720.6(328)	Revocation or denial
720.7 to 720.9	Reserved
720.10(328)	Minimum safety standards
720.11 to 720.14	Reserved
720.15(328)	Airport closing

CHAPTERS 721 to 749

Reserved

CHAPTER 750

AIRCRAFT REGISTRATION

750.1(328)	Purpose
750.2(328)	Definitions
750.3(17A)	Information and forms
750.4 to 750.8	Reserved
750.9(328)	Registration
750.10(328)	First registration procedure
750.11 to 750.14	Reserved
750.15(328)	Aircraft not airworthy
750.16 to 750.19	Reserved
750.20(328)	Renewal notice
750.21 to 750.28	Reserved
750.29(328)	Penalty on registration fees
750.30(328)	Lien

CHAPTERS 751 to 799

Reserved

RAILROADS

CHAPTER 800

ITEMS OF GENERAL APPLICATION FOR RAILROADS

800.1(307)	Definitions
800.2(17A)	Location and submission of documents

800.3(327C)	Accounts
800.4(327C)	Annual reports
800.5 to 800.14	Reserved
800.15(327F)	Train speed ordinances
800.16 to 800.19	Reserved
800.20(327G)	Removal of tracks from crossings

CHAPTER 801

Reserved

CHAPTER 802

REPORTING OF RAILROAD ACCIDENTS/INCIDENTS

802.1(327C)	Written reports
802.2(327C)	Immediate reporting of personal injury or death

CHAPTERS 803 to 809

Reserved

CHAPTER 810

RAILROAD SAFETY STANDARDS

810.1(327C)	Track standards
810.2(327C)	Track inspection
810.3	Reserved
810.4(327F)	First aid and medical treatment for railroad employees
810.5(327F)	Worker transportation

CHAPTER 811

HIGHWAY-RAILROAD GRADE CROSSING WARNING DEVICES

811.1(307)	Standards
------------	-----------

CHAPTER 812

CLASSIFICATIONS AND STANDARDS FOR
HIGHWAY-RAILROAD GRADE CROSSINGS

812.1(307)	Purpose
812.2(307)	Classification
812.3(307)	Warning device standards and their implementation
812.4(307)	Effect of rules

CHAPTER 813

CLOSE-CLEARANCE WARNING SIGNS ALONG RAILROAD TRACKS

813.1(327F)	Purpose and scope
813.2(327F)	Applicability
813.3(327F)	Information
813.4(327F)	Definitions
813.5(327F)	Close-clearance dimensions
813.6(327F)	Signing requirements
813.7 and 813.8	Reserved
813.9(327F)	Enforcement
813.10(327F)	Reimbursement

CHAPTERS 814 to 819

Reserved

CHAPTER 820
HIGHWAY GRADE CROSSING SAFETY FUND

820.1(327G)	Definitions
820.2(327G)	Purpose
820.3(327G)	Information and submissions
820.4(327G)	Participation in the maintenance costs of eligible warning devices
820.5(327G)	Reimbursement

CHAPTER 821
HIGHWAY-RAILROAD GRADE CROSSING SURFACE
REPAIR FUND

821.1(327G)	Definitions
821.2(327G)	General information
821.3(327G)	Procedures for the use of grade crossing surface repair funds

CHAPTER 822
RAILROAD REVOLVING LOAN AND GRANT FUND PROGRAM

822.1(327H)	Introduction
822.2(327H)	Definitions
822.3(327H)	Information
822.4(327H)	Purpose of program
822.5(327H)	Funding
822.6(327H)	Project criteria
822.7(327H)	Applicant eligibility
822.8(327H)	Eligible and ineligible project costs
822.9	Reserved
822.10(327H)	Project application
822.11(327H)	Project evaluation and approval
822.12(327H)	Project agreement and administration

CHAPTERS 823 to 899
Reserved

PUBLIC TRANSIT

CHAPTERS 900 to 909
Reserved

CHAPTER 910
COORDINATION OF PUBLIC TRANSIT SERVICES

910.1(324A)	Definitions
910.2(17A)	Information and location
910.3(324A)	Statewide transportation coordination advisory council
910.4(324A)	Certification process
910.5(324A)	Standards for compliance
910.6(324A)	Noncompliance
910.7(324A)	Noncompliant sanctions
910.8(17A,324A)	Revocation

CHAPTER 911
SCHOOL TRANSPORTATION SERVICES PROVIDED
BY REGIONAL TRANSIT SYSTEMS

911.1(321)	Purpose and information
911.2(321,324A)	Definitions

911.3(321)	Services to students as part of the general public
911.4(321)	Contracts for nonexclusive school transportation
911.5(321)	Adoption of federal regulations
911.6(321)	Driver standards
911.7(321)	Vehicle standards
911.8(321)	Maintenance
911.9(321)	Safety equipment
911.10(321)	Operating policies

CHAPTERS 912 to 919

Reserved

CHAPTER 920

STATE TRANSIT ASSISTANCE

920.1(324A)	Statement of policy
920.2(324A)	General information
920.3(324A)	Definitions
920.4(324A)	Types of projects
920.5(324A)	Standards for projects
920.6(324A)	Processing

CHAPTER 921

ADVANCED ALLOCATIONS OF STATE TRANSIT ASSISTANCE FUNDING

921.1(324A)	Scope of chapter
921.2(324A)	Basic types of advance allocations
921.3(324A)	Application for advance allocations
921.4(324A)	Application approval
921.5(324A)	Consideration in determining the approval of advance allocation application
921.6	Reserved
921.7(324A)	Reports, and suspension and termination of allocations
921.8(324A)	Income derived from interest-bearing accounts and investments
921.9(324A)	“Joint Participation Agreement” close and audits

CHAPTER 922

FEDERAL TRANSIT ASSISTANCE

922.1(324A)	Projects for nonurbanized areas and private nonprofit transportation providers
-------------	--------------------------------------------------------------------------------

CHAPTER 923

CAPITAL MATCH REVOLVING LOAN FUND

923.1(71GA,ch265)	General information
923.2(71GA,ch265)	Definitions
923.3(71GA,ch265)	System eligibility
923.4(71GA,ch265)	Project eligibility
923.5(71GA,ch265)	Procedure

CHAPTER 924

PUBLIC TRANSIT INFRASTRUCTURE GRANT PROGRAM

924.1(324A)	Purpose
924.2(324A)	Definitions
924.3(324A)	Information and forms
924.4	Reserved
924.5(324A)	Applicant eligibility
924.6(324A)	Project eligibility
924.7(324A)	Eligible project activities

924.8(324A)	Ineligible project activities
924.9	Reserved
924.10(324A)	Funding
924.11(324A)	Project applications
924.12 and 924.13	Reserved
924.14(324A)	Project priorities
924.15(324A)	Review and approval
924.16(324A)	Project agreement and administration

VEHICLES

CHAPTER 400

VEHICLE REGISTRATION AND CERTIFICATE OF TITLE

[Prior to 6/3/87, Transportation Department[820]—(07,D)Ch 11]

761—400.1(321) Definitions. The definitions in Iowa Code section 321.1 are hereby made part of this chapter. In addition, the following words and phrases, when used in Iowa Code chapter 321 or this chapter, shall have the meanings respectively ascribed to them, except when the context otherwise requires.

“Certificate of title” means a document issued by the appropriate official which contains a statement of the owner’s title, the name and address of the owner, a description of the vehicle, a statement of all security interests and additional information required under the laws or rules of the jurisdiction in which the document was issued, and which is recognized as a matter of law as a document evidencing ownership of the vehicle described. The terms “title certificate,” “title only,” and “title” shall be synonymous with the term “Certificate of title.”

“Dealer’s or manufacturer’s stock or inventory” means a vehicle owned by a dealer which is being held for sale or trade and for which the dealer has a duly assigned ownership document as required by Iowa Code section 321.45.

“Farm trailer” means a trailer used exclusively by a farmer in the conduct of the farmer’s agricultural operation. The term shall not include a “semitrailer.”

“Half-year fee” means the first semiannual installment of an annual registration fee. The term “half-year registration” shall be synonymous with the term “half-year fee.”

“Hearse” means a motor vehicle used exclusively to transport a deceased person.

“Lien” means an interest in a vehicle which secures payment or performance of an obligation. The term “security interest” shall be synonymous with the term “lien.”

“Manufacturer’s certificate of origin” means a certification signed by the manufacturer, distributor or importer that the vehicle described has been transferred to the person or dealer named and that the transfer is the first transfer of the vehicle in ordinary trade and commerce.

1. The terms “manufacturer’s statement,” “importer’s statement or certificate,” “MSO” and “MCO” shall be synonymous with the term “manufacturer’s certificate of origin.”

2. In addition to the requirements of Iowa Code subsection 321.45(1), the certificate shall contain a description of the vehicle which includes the make, model, style and vehicle identification number. The description of a motorized bicycle shall also specify the maximum speed.

3. For 1992 and subsequent model year vehicles, the form used for manufacturers’ certificates of origin shall be the universal form adopted in 1990 by the American Association of Motor Vehicle Administrators (AAMVA). This requirement does not apply to trailer-type vehicles. A copy of this universal form is on file in the office of vehicle services at the address in subrule 400.6(1).

“Model year,” except where otherwise specified, means the year of original manufacture or the year certified by the manufacturer. For purposes of titling and registration, the model year shall advance one year each January 1.

“Registered” means that the appropriate registration fee has been paid for a vehicle and a registration card evidencing payment has been issued to the owner.

“Registration card” means a document issued to the owner of a vehicle by the appropriate agency whose duty it is to register vehicles, which contains the name and address of the owner and a description of the vehicle, and which is issued to the owner when the vehicle has been registered. The terms “registration certificate,” “registration receipt” and “registration renewal receipt” are synonymous with the term “registration card.”

“Security interest” means an interest in a vehicle which secures payment or performance of an obligation. The term “lien” shall be synonymous with the term “security interest.”

“Social security number” means a social security number issued by the United States government.

This rule is intended to implement Iowa Code sections 321.1, 321.8, 321.20, 321.23, 321.24, 321.40, 321.45, 321.50, 321.117, 321.123, 321.134 and 321.157.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—400.2(321) Vehicle registration and certificate of title—general provisions.

400.2(1) *Vehicles subject to registration.* A vehicle subject to registration under the laws of Iowa shall be required to be registered at the time the vehicle is first operated or moved upon a highway in this state.

400.2(2) *Vehicles exempt from titling or registration.* A certificate of title shall not be issued for a vehicle which is exempt from the titling or registration provisions of Iowa Code chapter 321, unless issuance of a certificate of title is specifically authorized in chapter 321.

400.2(3) *Issuance of a certificate of title upon payment of registration fees.* Except as otherwise provided in Iowa Code chapter 321 or this chapter of rules, the current year registration fee and any delinquent registration fees and penalties, if any, shall be paid prior to issuance of a certificate of title.

400.2(4) *Trailers with an empty weight of 2000 pounds or less.* Certificates of title shall not be issued for trailers with an empty weight of 2000 pounds or less. However, these trailers shall be subject to the registration fees provided in Iowa Code section 321.123.

400.2(5) *Vehicles owned by the government.* A certificate of title shall be issued for a vehicle owned by the government when the vehicle is first registered. However, vehicles owned by the government shall be exempted from registration and titling fees. Also, a certificate of title shall not be issued for a government-owned vehicle if a certificate of title would not be issued if the vehicle were owned by someone other than the government.

400.2(6) *Vehicles leased by the government.* Vehicles leased by the government for a period of 60 days or more are exempted from payment of registration fees. A copy of the lease agreement, certificate of lease, or other evidence that the vehicle is being leased by the government shall be required in order to obtain this exemption. However, the lessor is not exempted from the requirements for obtaining a certificate of title as set out in Iowa Code chapter 321 and these rules, including payment of the appropriate certificate of title fee.

400.2(7) *Special mobile equipment.* Rescinded IAB 3/7/90, effective 4/11/90.

400.2(8) *Private school buses, fire trucks, authorized emergency vehicles, and transit buses.* In accordance with Iowa Code sections 321.18, 321.19 and 321.22, private school buses, fire trucks not owned or operated for a pecuniary profit, certain authorized emergency vehicles owned and operated by nonprofit organizations, and urban and regional transit system buses are exempt from the payment of registration fees. However, these vehicles are not exempt from the requirements for obtaining a certificate of title as set out in Iowa Code chapter 321, including payment of the appropriate certificate of title fee.

This rule is intended to implement Iowa Code sections 321.18 to 321.22, 321.24 and 321.123.

761—400.3(321) Application for certificate of title or registration for a vehicle.

400.3(1) *Application form.* To apply for a certificate of title or registration for a vehicle, the owner of the vehicle shall complete an application form prescribed by the department. Application shall be made in accordance with Iowa Code chapter 321, these rules, and other applicable provisions of law.

400.3(2) *Full legal name.* Full legal names shall be given on the application. Civilian or military titles and nicknames shall not be used.

400.3(3) *Information about owner, lessee and primary user.*

a. Iowa Code sections 321.20 and 321.109 list the information that must be disclosed by the owner, lessee and primary user on the application.

b. A firm, association, corporation, or trust that is not required to have a federal employer identification number shall disclose the social security number, Iowa driver's license number or Iowa nonoperator's identification card number of an authorized representative of the firm, association,

corporation, or trust. The authorized representative of a trust is the trustee unless otherwise specified in the trust agreement or the certification of trust as defined in Iowa Code section 633A.4604.

400.3(4) *Plate number and validation number.* If the owner has registration plates that have been assigned to the owner and affixed to the vehicle, the owner shall list the plate number on the application form. The validation number from the validation sticker shall also be listed.

400.3(5) *Birth or registration month.* If the vehicle is owned by one individual, the individual's month of birth shall be listed on the application form and shall determine the registration year. If the vehicle is owned by two or three individuals, the month of birth of one of the individuals shall be listed and shall determine the registration year. If the vehicle is owned by a partnership, corporation, association, or governmental subdivision, the birth or registration month shall be left blank on the application; the county treasurer shall determine the month of registration.

400.3(6) *Model year.* The application shall include the model year of the vehicle.

400.3(7) *Purchase information.* The application shall include the date of purchase or acquisition and, if the vehicle was not purchased from a dealer, the purchase price.

400.3(8) *Vehicle color.* The application shall include the vehicle color.

400.3(9) *Foreign registered vehicle.* If the vehicle is registered in a foreign jurisdiction, the application shall include the date the vehicle was brought into Iowa.

400.3(10) *Signature of applicant.* The owner shall sign the application form in ink.

400.3(11) *Dealer certification.*

a. If the vehicle is a new vehicle which has been sold to the owner by a dealer, as defined in Iowa Code section 321.1, the dealer shall certify the following on the application form: sale price of the vehicle, the amounts allowed for property traded-in, nontaxable charges and rebates, the tax price of the vehicle, the date that a "Registration Applied For" card was issued, and the registration fee collected.

b. The certification shall include the dealer's number and name and shall be signed by the dealer or an authorized representative of the dealer.

400.3(12) *Weigh ticket.* If application is being made to lower the tonnage on any motor truck, bus or truck tractor, the county treasurer may require a copy of a stamped weigh ticket issued by any public scale.

400.3(13) *Credits.* See rule 761—400.60(321) for:

Credit for unexpired registration fee.

Credit for transfer to spouse, parent or child.

Credit from/to proportional registration.

Assignment of credit and registration plates from lessor to lessee.

400.3(14) *Leased vehicle.* As required by Iowa Code section 423.7A, the lessor shall list the lease price of the vehicle on the application form.

400.3(15) *Affidavit of correction.* As provided in Iowa Code section 321.23A, the county treasurer or the department may accept an affidavit of correction on a form prescribed by the department.

a. The affidavit may be used only to correct those errors, erasures or alterations listed on the affidavit.

b. The affidavit must contain the signatures of all parties to the original error, erasure or alteration.

c. Only an original, notarized affidavit shall be accepted.

d. The affidavit must be surrendered with the document that contains the error, erasure or alteration to be corrected.

e. The affidavit may be accepted to correct errors, erasures or alterations on either an Iowa title or a foreign title.

This rule is intended to implement Iowa Code sections 321.1, 321.8, 321.20, 321.23 to 321.26, 321.31, 321.34, 321.46, 321.109, 321.122 and 423.7A.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—400.4(321) Supporting documents required. This rule describes the basic supporting documents to be submitted by an applicant for a certificate of title or registration.

400.4(1) *New vehicle.* If application is made for a new vehicle, a manufacturer's certificate of origin, properly assigned to the applicant, shall be submitted. A manufacturer's certificate of origin shall not be accepted if the assignment to the applicant is made by any person other than the manufacturer, importer, distributor or a licensed motor vehicle dealer franchised to sell that line make of vehicle.

a. The first person, including a dealer not franchised to sell that line make of vehicle, who is assigned the manufacturer's certificate of origin shall obtain a certificate of title and register the vehicle.

b. An uncanceled security interest noted on the reverse side of a manufacturer's certificate of origin (MCO) shall be noted as a separate security interest on the certificate of title, in addition to any security interest acknowledged by the applicant, unless the applicant indicates in the security interest area on the title application that the security interest is the same as the one noted on the reverse side of the MCO.

c. If a 1980 or subsequent model year vehicle is manufactured by a person other than the original manufacturer, both the original manufacturer's certificate of origin and the final manufacturer's certificate of origin shall be submitted. All assignments or reassignments of ownership of the vehicle shall be made on the final manufacturer's certificate of origin. The face of the original manufacturer's certificate of origin shall be stamped in bold type with the statement: "Final manufacturer's MCO has been issued on this vehicle." The original manufacturer's vehicle identification number shall be listed on the final manufacturer's certificate of origin.

400.4(2) *Used vehicle registered or titled in this state.* The last issued certificate of title, properly assigned to the applicant, shall be submitted. An uncanceled security interest noted on the face of the certificate of title shall be noted on the face of the certificate of title issued to the applicant, in addition to any security interest acknowledged by the applicant. If the vehicle is not subject to titling provisions, the last issued registration receipt or bill of sale, properly assigned to the applicant, shall be submitted.

400.4(3) *Used vehicle from a foreign jurisdiction.* If the vehicle was subject to the issuance of a certificate of title in the foreign jurisdiction, the certificate of title issued by the foreign jurisdiction to the applicant or properly assigned to the applicant shall be submitted.

a. A security interest, noted on the face of the foreign certificate of title, which has not been canceled, shall be noted on the face of the certificate of title issued to the applicant, in addition to any security interest acknowledged by the applicant.

b. A certificate of title issued in a foreign jurisdiction may be assigned to a motor vehicle dealer in another jurisdiction, and the dealer may reassign the certificate of title to the applicant. An assignment or reassignment form issued by a foreign jurisdiction may be used with a foreign title to complete an assignment or reassignment of ownership from a foreign motor vehicle dealer to the applicant, provided the ownership chain is complete.

c. An Iowa licensed motor vehicle dealer who acquires a vehicle registered in another state or country may reassign the foreign certificate of title to the applicant, as provided in Iowa Code subsection 321.48(2) and rule 761—400.27(321,322).

d. A person who registers a foreign vehicle under Iowa Code subsection 321.23(3) shall be issued a nontransferable-nonnegotiable registration. To transfer ownership of the vehicle, the owner must first obtain an Iowa certificate of title except as follows: If ownership is transferred to an Iowa licensed motor vehicle dealer as provided in Iowa Code subsection 321.23(3), the foreign certificate of title may be assigned to the dealer; the owner is not required to obtain an Iowa title. The dealer may then reassign the foreign title, as provided in Iowa Code subsection 321.48(2) and rule 761—400.27(321,322).

e. If the vehicle was not subject to the issuance of a certificate of title in the foreign jurisdiction, the registration document issued by the foreign jurisdiction to the applicant or properly assigned to the applicant shall be submitted.

(1) If the foreign registration document is not issued in the applicant's name and does not contain an assignment of ownership form, a bill of sale conveying ownership from the owner as listed on the foreign registration document to the applicant shall be submitted with the foreign registration document.

(2) Upon receipt of the foreign registration document, the county treasurer shall issue a nontransferable—nonnegotiable registration unless the foreign registration document has been approved by the department.

(3) Acceptance of the foreign registration document shall be determined by the department on an individual basis, if the county treasurer of the county where the certificate of title is to be issued cannot determine whether the document is acceptable.

f. If a trailer weighing 2000 lbs. or less is exempt from the issuance of a certificate of title and registration in the foreign jurisdiction, a bill of sale conveying ownership to the applicant, if acquired by a resident from a nonresident, or an affidavit of ownership signed by the applicant, if the applicant is establishing residence in this state, shall be submitted.

g. If a motor vehicle is exempt from the issuance of a certificate of title and registration in the foreign jurisdiction, the bonding procedures as provided in Iowa Code section 321.24 shall be followed.

400.4(4) *Used vehicle acquired by a resident of this state from a government agency.* If the vehicle was acquired from an agency of the federal government, the applicant shall surrender the government bill of sale, Form 97 or 97A, properly assigned to the applicant. If the vehicle was acquired from the state of Iowa or a subdivision of government the applicant shall surrender the Iowa certificate of title issued in the name of the agency, properly assigned to the applicant.

400.4(5) *Manufactured or mobile home.* If the vehicle described on the application is a manufactured or mobile home with an Iowa title, the applicant shall submit a tax clearance form to show that no taxes are owing, unless the title has been issued to a manufactured or mobile home retailer licensed under Iowa Code chapter 103A. The form may be obtained by any owner of record of the manufactured or mobile home from the county treasurer.

400.4(6) *Vehicle acquired by a resident of this state by operation of law.* If the vehicle was acquired by the applicant by operation of law as specified in Iowa Code section 321.47, the last issued certificate of title shall be submitted by the applicant, or when that is not possible, presentation of satisfactory proof of the applicant's ownership and right of possession to the vehicle shall be submitted by the applicant. Proof of ownership may consist of a foreclosure sale affidavit, artisan's or storage lien affidavit, affidavit of death intestate, abandoned vehicle sales receipt, peace officers bill of sale or court order. See also subrules 400.14(4) and 400.14(5).

400.4(7) *Foreign ownership document issued in a language other than English.* A foreign ownership document issued in a language other than English may be required to be reproduced in writing in English and certified to be a correct translation by a person qualified to translate that particular language. The English translation and certification shall be submitted with the foreign ownership document.

400.4(8) *Titles from foreign jurisdictions.*

a. Except as provided in paragraph “b” of this subrule, a certificate of title issued by a foreign jurisdiction shall not be accepted if the title contains an alteration or erasure.

b. An affidavit of correction form issued by a foreign jurisdiction that corrects the certificate of title issued by the foreign jurisdiction shall be accepted only for the reason listed on the affidavit of correction form. However, acceptance of an affidavit of correction form that corrects an odometer statement or a designation shall be determined by the department on an individual basis.

400.4(9) *Applications in the name of trusts.* An application in the name of a trust shall be accompanied by a copy of all documents creating or otherwise affecting the trust or the certification of trust as defined in Iowa Code section 633A.4604. The application shall be signed by each trustee unless otherwise specified in the trust agreement or the certification of trust. The signature shall be followed by the words “as trustee.”

400.4(10) *Supporting document retained by county treasurer.* All supporting documents shall be retained by the county treasurer.

This rule is intended to implement Iowa Code sections 321.20, 321.23, 321.24, 321.30, 321.31, 321.45 to 321.50, and 321.67.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—400.5(321) Where to apply for registration or certificate of title.

400.5(1) Except as otherwise provided, application for the registration of a vehicle or a certificate of title for a vehicle, or transfers thereof, shall be made to the county treasurer as described in Iowa Code

chapter 321. When none of the primary users of a non-resident-owned vehicle are located in Iowa, the vehicle may be registered by the county treasurer of any county.

400.5(2) Application shall be made to the department's office of vehicle services for the following:

a. Titling and registration of vehicles owned by the government. This requirement does not apply to manufactured or mobile homes subject to a public bidder sale as explained in Iowa Code subsection 321.46(2).

b. Registration of vehicles leased by the government for a period of 60 days or more.

c. Registration of urban and regional transit system buses.

d. Registration of fire trucks not owned and operated for a pecuniary profit.

e. Registration of certain authorized emergency vehicles owned and operated by nonprofit organizations.

f. Registration of private school buses.

g. Registration of vehicles under the provisions of Iowa Code subsection 321.23(4), relating to restricted-use vehicles.

400.5(3) Application for a certificate of title for a vehicle subject to proportional registration under Iowa Code chapter 326 may be made to either the county treasurer or to the department's office of motor carrier services. The office of motor carrier services may be contacted at the addresses listed in subrule 400.6(2) or by telephone at (515)237-3264.

400.5(4) Application for proportional registration shall be made to the department's office of motor carrier services. See 761—Chapter 500.

This rule is intended to implement Iowa Code sections 321.18 to 321.23, 321.46(2), and 321.170.

761—400.6(17A) Addresses, information and forms. Information and forms for vehicle registration, certificate of title, or other procedures covered under Iowa Code sections 321.18 to 321.173 may be obtained from the county treasurer or from:

400.6(1) Office of Vehicle Services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278.

400.6(2) Office of Motor Carrier Services, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382.

400.6(3) The Internet at the following address: <http://www.iowadot.gov/mvd>.

This rule is intended to implement Iowa Code section 17A.3.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—400.7(321) Information appearing on title or registration. In addition to the requirements of Iowa Code sections 321.24, 321.52, 321.69, 321.71 and 322G.12, a certificate of title or registration receipt or both shall contain the following information when applicable:

400.7(1) Registration expiration date.

400.7(2) Registration month, as explained in rule 761—400.3(321).

400.7(3) Name and address of last titled owner.

400.7(4) Description of the vehicle, including the following items. These items may be represented on the title and registration by code letters or numbers.

a. Vehicle identification number.

b. Type, such as automobile, trailer, truck, etc.

c. Style.

d. Make, model, and model year.

e. Number of engine cylinders.

f. Color.

g. Weight and registered gross weight.

h. The square footage of floor space of a manufactured or mobile home or travel trailer, as determined by measuring the exterior.

i. The odometer mileage and whether the mileage is “actual,” “not actual,” or “exceeds mechanical limits.”

400.7(5) Previous Iowa title number or the name of the foreign jurisdiction if the previous title is a foreign title.

400.7(6) Plate number and previous registration number.

400.7(7) List price or value.

400.7(8) Penalties and title, registration and security interest receipt numbers.

400.7(9) The following phrase stamped on the reassignment portion of a manufactured or mobile home title: "Dealer reassignment not authorized on this certificate of title."

400.7(10) The designation required by 761—Chapter 405. A vehicle may have no more than one designation. The referenced rules explain which designation takes precedence when more than one designation could apply.

400.7(11) Full legal name of owner.

a. When the name of an owner changes from that which is printed on the title or registration issued to the owner, the owner shall submit to the county treasurer on a form prescribed by the department an application for a certificate of title or registration for a vehicle. The application must be accompanied by one of the following documents:

(1) Court order for a name change. The court order must contain the full name, date of birth, and court seal.

(2) Divorce decree.

(3) Marriage certificate.

b. Paragraph "*a*" of this subrule does not apply to owners that are firms, associations, corporations, or trusts.

This rule is intended to implement Iowa Code sections 321.24, 321.31, 321.40, 321.45, 321.52, 321.69, 321.71, 321.124 and 322G.12.

[ARC 0136C, IAB 5/30/12, effective 7/4/12]

761—400.8(321) Release form for cancellation of security interest.

400.8(1) A secured party may use a form prescribed by the department to note the cancellation of a security interest.

400.8(2) The secured party may also note the cancellation in a statement written on the secured party's letterhead if the statement contains the following information: county that issued the title; title number; security interest number; vehicle identification number; vehicle owner's name; secured party's name, street address, city, state and ZIP code; date the security interest was canceled; and signature of an authorized representative of the secured party.

400.8(3) The secured party shall forward the original cancellation form or statement to the department or to the county treasurer of the county where the title was issued. Facsimiles and photocopies are not acceptable.

400.8(4) The secured party shall note the cancellation on the face of the title, attach a copy of the release form to the title as evidence of cancellation, and forward the title to the next secured party or, if there is no other secured party, to the person designated by the owner or, if there is no person designated, to the owner.

This rule is intended to implement Iowa Code section 321.50.

761—400.9(321) Security interest notation, 30-day limit. Rescinded IAB 11/23/05, effective 12/28/05.

761—400.10(321) Assignment of security interest. A security interest noted on a certificate of title may be assigned to another secured party without losing the seniority of the security interest by complying with the procedure in Iowa Code section 321.50 or with the following procedure:

400.10(1) Notice of assignment. The secured party listed on the title certificate shall make the following notation in the cancellation portion of the certificate of title where security interest is noted "Assigned to (name of assignee)." The date, name of secured party and signature of the person noting the assignment shall be completed in the cancellation portion pertaining to the security interest.

400.10(2) *Application for notation of security interest.* The assignee shall complete an application for notation of a security interest on the form provided by the department. The application form shall be signed by the assignee in the space where the signature of the owner is ordinarily required. The signature of the owner shall not be required on an assignment of a security interest.

400.10(3) *Submission of documents to county treasurer.* The certificate of title, application for notation of security interest and appropriate notation fee shall be submitted to the county treasurer of the county where the certificate of title was issued or will be issued.

a. If there are additional security interests noted on the certificate of title, the seniority of the assignee's security interest may be preserved by issuance of a certificate of title in lieu of the original, on which the assignee's security interest shall be noted in the same seniority as the assignor's.

b. A receipt for notation of security interest form shall be processed and the new receipt number shall be listed in the appropriate space provided. The original notation date shall also be listed and the words "by assignment" shall be listed following the name of the assignee.

This rule is intended to implement Iowa Code section 321.50.

761—400.11(321) Sheriff's levy, restitution lien, and forfeiture lien noted as security interests.

400.11(1) A sheriff's levy may be noted as a security interest on a certificate of title if the sheriff so desires. To apply for a notation of a security interest, the sheriff or the sheriff's deputy shall complete an application form prescribed by the department. The sheriff or sheriff's deputy shall sign the application in the space where the signature of the owner is ordinarily required. The signature of the owner is not required. The appropriate notation fee shall be submitted with the application form to the county treasurer of the county where the certificate of title was issued. If the certificate of title is not surrendered with the application, the county treasurer shall notify the holder of the certificate of title in the manner prescribed in Iowa Code section 321.50.

400.11(2) A restitution or forfeiture lien may be noted as a security interest on a certificate of title if the county attorney so desires. To apply for a notation of a security interest, the county attorney or designee shall complete an application form prescribed by the department. The county attorney or designee shall sign the application in the space where the signature of the owner is ordinarily required. The signature of the owner is not required. A lien notation fee is not required. If the certificate of title is not surrendered with the application, the county treasurer shall notify the holder of the certificate of title in the manner prescribed in Iowa Code section 321.50.

This rule is intended to implement Iowa Code section 321.50 and chapter 809A.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—400.12(321) Replacement certificate of title.

400.12(1) When a certificate of title is lost, destroyed or altered, the owner or lienholder shall apply for a replacement certificate of title. If a security interest noted on the certificate of title was released by the secured party on a separate form, but the secured party has not delivered the original certificate of title to the appropriate party, the owner may apply for a replacement certificate of title as provided in Iowa Code section 321.42.

400.12(2) Application for a replacement certificate of title shall be made on a form prescribed by the department. All owners of the vehicle as listed on the certificate of title shall sign the application form. If an owner is deceased, the signatures and documents specified in subrules 400.14(4) and 400.14(5) shall be required in lieu of the deceased owner's signature. A person entitled to vehicle ownership under the laws of descent and distribution shall sign the required forms and shall insert the words "heir at law" following the signature.

This rule is intended to implement Iowa Code section 321.42.

761—400.13(321) Bond required before title issued. An applicant for a certificate of title who cannot provide the supporting documents required in rule 761—400.4(321) shall be required to file a bond as a condition to obtaining a title and registration plates.

400.13(1) Procedures. This subrule describes the procedures to be followed to obtain a “bonded” certificate of title. The procedures described are in addition to the regular procedures for titling and registering a vehicle.

a. The applicant shall submit a bond application to the office of vehicle services on a form prescribed by the department. The application shall be accompanied by evidence of ownership of the vehicle.

b. The department shall search the state files to determine if there is an owner of record for the vehicle and if the vehicle has been reported stolen or embezzled.

(1) If a record is found, the applicant shall complete a request for release of personal information form explaining that the applicant is the current owner and is requesting a duplicate title. The department shall mail the release by first-class mail to the owner of record, at the owner’s last-known address.

(2) If the department receives no response from the owner of record within ten days after the date of mailing or the owner of record does not want the owner’s personal information released, the department will continue processing the bond application.

c. If the department determines that the applicant has complied with this rule, that there is sufficient evidence to indicate that the applicant is the rightful owner, and that there is no known unsatisfied security interest, the department shall determine the current value of the vehicle and notify the applicant to deposit cash or file a surety bond with the department in an amount equal to one and one-half times the current value of the vehicle.

d. After the cash deposit or surety bond has been deposited, a motor vehicle investigator of the department may examine the vehicle to verify the information submitted on the application is correct. The owner of the vehicle may drive or tow the vehicle to and from the examination location by completing an affidavit to drive on a form provided by the department. The form shall state that the vehicle is reasonably safe for operation and must be signed by the owner. After verifying the information, the investigator shall give to the applicant a document authorizing the county treasurer to issue a title for and register the vehicle. Should the vehicle not meet the equipment requirements of Iowa Code chapter 321, the investigator shall authorize the county treasurer to issue a title and registration but instruct the county treasurer to immediately suspend the registration until such time as the vehicle meets these equipment requirements. If applicable, the investigator shall also affix an assigned identification number to the vehicle and give to the applicant an assigned vehicle identification number (VIN) form.

e. The applicant shall then submit the authorization document and, if applicable, the VIN form to the county treasurer and make application for a certificate of title and registration.

400.13(2) Disapproval. If the department determines that the applicant has not complied with this rule, that there is sufficient evidence to indicate that the applicant may not be the rightful owner, or that there is an unsatisfied security interest, then the department shall not authorize issuance of a certificate of title or registration receipt and shall notify the applicant in writing of the reason(s).

400.13(3) Junked vehicle. A certificate of title shall not be reinstated for a vehicle that has been issued a junking certificate unless the junking certificate was issued in error, as explained in rule 761—400.23(321), or the vehicle qualifies as an antique vehicle under Iowa Code subsection 321.115(1).

This rule is intended to implement Iowa Code sections 321.24 and 321.52.

[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 0136C, IAB 5/30/12, effective 7/4/12]

761—400.14(321) Transfer of ownership. The following procedures shall apply for all titling and registration purposes:

400.14(1) Transfer of vehicle owned by two or three persons.

a. If the names of the owners of a vehicle on the certificate of title or on the manufacturer’s certificate of origin are joined by the word “or,” as in “John Doe, Jane Doe or Mary Doe,” then the signature of any of these owners is sufficient to transfer title or to junk the vehicle.

b. If ownership of a vehicle is stated as a name or names followed by the words “Doing Business As” or the initials “DBA” and another name, only the name of an owner followed by the signature of an authorized representative of an owner is required to transfer title or to junk the vehicle.

EXAMPLE: Ownership is stated as “John Smith and Mary Smith DBA Smith Repair.” Jane Doe is an authorized representative of John Smith and Mary Smith. To transfer ownership, Jane Doe may sign as “John Smith and Mary Smith DBA Smith Repair, by Jane Doe,” “John Smith and Mary Smith by Jane Doe,” or Smith Repair by Jane Doe.”

c. In all other cases the signature of each named owner is required.

400.14(2) *Assignment of title to two or three persons.* If a certificate of title or a manufacturer’s certificate of origin is assigned to two or three persons with their names joined by the word “or,” as in “John Doe, Jane Doe or Mary Doe,” then a certificate of title may be issued to any one of these persons, or to any two or all three of these persons with their names joined by the word “or.” However, a certificate of title shall only be issued to persons who have signed the application for title.

400.14(3) *Organizational ownership.*

a. When a vehicle is owned by a partnership, corporation, association, governmental unit, or private organization, the signature of its authorized representative is required.

b. When a vehicle is owned by a trust, the signature of each trustee is required, unless otherwise specified in the trust agreement or the certification of trust as defined in Iowa Code section 633A.4604. The signature shall be followed by the words “as trustee.” In addition, the title shall be accompanied by a copy of all documents creating or otherwise affecting the trust or the certification of trust.

400.14(4) *Death with a will.* When ownership is transferred according to a decedent’s will, a certified copy of the court order or the letter of appointment appointing the person assigning the title as executor of the will shall be required.

400.14(5) *Death without a will.* When ownership is transferred from a decedent without a will and there is no administration of the estate, an affidavit of death intestate form signed by the clerk of court shall be required. When ownership is transferred from a decedent without a will but there is an administration of the estate, a copy of the court order or the letter of appointment appointing the person assigning the title as administrator shall be required.

400.14(6) *Power of attorney.* An attorney in fact may act for the owner(s) if the appointment is shown on a power of attorney form. Power of attorney forms are available from the department but other forms may be accepted if they contain all necessary information. The power of attorney form or a certified true copy shall be kept by the county treasurer and attached to the document to which it applies.

This rule is intended to implement Iowa Code sections 321.20, 321.24, 321.45, 321.47, 321.49, and 321.67.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—400.15(321) Cancellation of a certificate of title.

400.15(1) The department shall cancel a certificate of title when authorized by any provision of law or when it has reasonable grounds to believe that the title has not been surrendered to the county treasurer as provided in Iowa Code section 321.52 or when the vehicle has been stolen or embezzled from the rightful owner or seized under the provisions of Iowa Code section 321.84, and the person holding the certificate of title, purportedly issued for the vehicle, has no immediate right to possession of the vehicle.

400.15(2) The decision to issue a new certificate of title or to allow the previous title to be reinstated through a replacement title application process or to take any other action regarding ownership of the vehicle for which the current title has been canceled shall be determined after an investigation and recommendation by a motor vehicle investigator of the department.

This rule is intended to implement Iowa Code section 321.101.

761—400.16(321) Application for certificate of title or original registration for a specially constructed, reconstructed, street rod or replica motor vehicle.

400.16(1) *Definitions applicable to this rule.*

a. “*Ownership document for the vehicle*” means the certificate of title, the manufacturer’s certificate of origin, the junking certificate, or other evidence of ownership acceptable to the department.

b. “*Ownership documents for essential parts*” means bills of sale for all essential parts used to construct or reconstruct the vehicle. Each bill of sale shall contain a description of the part, the

manufacturer's identification number of the part, if any, and the name, address, and telephone number of the seller.

400.16(2) Procedures. This subrule describes the procedures for obtaining department approval to title and register a specially constructed, reconstructed, street rod or replica motor vehicle. The procedures described are in addition to the regular procedures for titling and registering a vehicle.

a. The applicant shall apply to the county treasurer for a certificate of title and registration. The county treasurer, upon receiving an application that indicates the vehicle is a specially constructed, reconstructed, street rod or replica motor vehicle, shall forward the application to a motor vehicle investigator of the department.

b. The investigator shall contact the applicant and schedule a time and place for an examination of the vehicle and the ownership documents. The owner of the vehicle may drive or tow the vehicle to and from the examination location by completing an affidavit to drive on a form provided by the department. The form shall state that the vehicle is reasonably safe for operation and must be signed by the owner. The applicant, when appearing with the vehicle for the examination, shall submit to the investigator the ownership document for the vehicle, the ownership documents for essential parts, and a weigh ticket indicating the weight of the vehicle. However, a weigh ticket is not required for motorcycles, trucks, truck tractors, road tractors or trailer-type vehicles.

c. If the investigator determines that the vehicle complies with 761—Chapter 450, that the integral parts and components have been identified as to ownership, and that the application has been completed properly:

(1) The investigator shall approve the application, affix to the vehicle an assigned vehicle identification number, and return the application and ownership documents to the applicant. The investigator shall also give to the applicant an assigned vehicle identification number (VIN) form that the applicant shall submit with the application to the county treasurer.

(2) If the vehicle is a passenger-type motor vehicle, the department shall determine its weight and value. The vehicle weight shall be fixed at the next even 100 pounds above the actual weight of the vehicle fully equipped, as provided in Iowa Code section 321.162. The weight and value shall constitute the basis for determining the annual registration fee under Iowa Code section 321.109, except as provided in Iowa Code section 321.113.

(3) The applicant shall then submit the approved application, ownership document for the vehicle, and VIN form to the county treasurer and continue with the regular title and registration process.

400.16(3) Disapproval. If the department determines that the vehicle does not comply with 761—Chapter 450, that the integral parts or components have not been identified as to ownership, or that the application has not been completed properly, then the department shall not approve the vehicle for titling and registration.

400.16(4) Model year. The model year of a specially constructed or reconstructed motor vehicle is the year the vehicle is approved by the department as a specially constructed or reconstructed motor vehicle.

This rule is intended to implement Iowa Code sections 321.20, 321.23, 321.24, 321.52, 321.109 and 321.162.

[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 0136C, IAB 5/30/12, effective 7/4/12]

761—400.17(321) Remanufactured vehicle. Rescinded IAB 11/23/05, effective 12/28/05.

761—400.18(321) Rescinded IAB 3/26/97, effective 4/30/97.

761—400.19(321) Temporary use of vehicle without plates or registration card.

400.19(1) Temporary use of vehicle without plates. A person who acquires a vehicle which is currently registered or in a dealer's inventory at the time of sale and who does not possess registration plates which may be assigned to and displayed on the vehicle may operate or permit the operation of the vehicle not to exceed 30 days from the date of purchase or transfer without registration plates displayed thereon, if ownership evidence is carried in the vehicle.

400.19(2) *Temporary use of vehicle without registration card.* A person who acquires a vehicle which is currently registered or in a dealer's inventory at the time of sale and who has possession of plates which may be attached to the vehicle acquired may operate or permit the operation of the vehicle not to exceed 45 days from the date of purchase or transfer without a registration card, if ownership evidence is carried in the vehicle.

400.19(3) *Ownership evidence.* Ownership evidence under this rule shall consist of the certificate of title or registration receipt, or a photocopy thereof, properly assigned to the person who has acquired the vehicle, or a bill of sale conveying ownership of the vehicle to the person who has acquired the vehicle. The ownership evidence shall be shown to any peace officer upon request.

This rule is intended to implement Iowa Code sections 321.25, 321.33 and 321.46.

761—400.20(321) Registration of motor vehicle weighing 55,000 pounds or more. When applying for registration or renewal of registration for a motor vehicle weighing 55,000 pounds or more, the owner shall present to the department or to the county treasurer proof of compliance with the federal heavy vehicle use tax required by 26 U.S.C. Section 4481 and 26 CFR Part 41.

400.20(1) If the motor vehicle is used exclusively in the transportation of harvested forest products, the owner may present a written statement certifying that usage and the usage will be recorded.

400.20(2) If the motor vehicle is used primarily for farming purposes, the owner may present a written statement certifying that usage and the usage will be recorded.

This rule is intended to implement Iowa Code sections 307.30 and 321.20.

761—400.21(321) Registration of vehicles on a restricted basis. The department may register a vehicle which does not meet the equipment requirements of Iowa Code chapter 321, due to the particular use for which it is designed or intended. Registration may be accomplished upon payment of the appropriate fees and after inspection and certification by the department that the vehicle is not in an unsafe condition.

400.21(1) Operation of the vehicle may be restricted to a roadway to which a specific lawful speed limit applies, as specified in Iowa Code section 321.285, if the maximum speed of the vehicle is such that the operation of the vehicle would impede or block the normal and reasonable movement of traffic.

400.21(2) The department may also restrict the operation of the vehicle to daylight hours if operation of the vehicle during hours other than daylight would create a hazard.

400.21(3) A certificate of restriction shall be issued in conjunction with registration of the vehicle, listing the restrictions that apply to the operation of the vehicle.

a. Registration laws applicable to motor vehicles in general shall also apply to vehicles registered under a restricted registration.

b. The department may approve exceptions to those equipment requirements of Iowa Code chapter 321 which cannot be met due to the particular use for which the vehicle is designed or intended.

400.21(4) The department shall not register an all-terrain vehicle. The department shall not register a vehicle built on or after January 1, 1968, unless it was manufactured primarily for use on public streets, roads and highways except a vehicle operated exclusively by a person with a disability, which may be registered if the department, in its discretion, determines that the vehicle is not in an unsafe condition. This subrule does not apply to a specially constructed, reconstructed, street rod or replica motor vehicle as defined in Iowa Code section 321.1.

This rule is intended to implement Iowa Code sections 321.1 and 321.234A and subsections 321.23(4), 321.30(2), and 321.101(1).

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—400.22(321) Transfers of ownership by operation of law. When ownership of a vehicle is transferred by operation of law under Iowa Code section 321.47, the following, in addition to rule 761—400.4(321), shall apply:

400.22(1) The new certificate of title and registration shall be issued, upon receipt of the proper documentation, by the county treasurer of the county where the transferee resides.

400.22(2) If the vehicle is not currently registered in this state, the registration fee and penalties due shall be computed in accordance with the following:

a. If the vehicle is ordered confiscated or forfeited by a court under a judgment or forfeiture, the fee shall be computed on the remaining unexpired months in the registration year from the date of the court order.

b. If the vehicle is sold on a peace officer's bill of sale as an unclaimed, stolen, embezzled or abandoned vehicle, or as a vehicle seized under Iowa Code section 321.84, the fee shall be computed on the remaining unexpired months in the registration year from the date of the sale.

c. If the vehicle is sold or transferred under a judgment or order entered by a court in a civil action or proceeding, or is transferred under any provision of Iowa Code section 321.47 which is not covered in this subrule, the fee shall include any delinquent fees which have accrued during previous registration periods and accrued penalties. Penalties shall continue to accrue until paid.

d. If the vehicle was last titled or registered in a foreign state, the fee shall be based on the month the vehicle becomes subject to registration in this state, except as provided in paragraphs 400.22(2) "a" and "b" above.

This rule is intended to implement Iowa Code sections 321.47, 321.105, 321.106, 321.134, and 321.135.

761—400.23(321) Junked vehicle.

400.23(1) *Junking certificate.* The owner of a vehicle that is to be junked or dismantled shall obtain a junking certificate in accordance with Iowa Code subsection 321.52(3).

400.23(2) *Retitling a junked vehicle.* The department may authorize issuance of a new certificate of title to the vehicle owner named on the junking certificate only if the department determines that the junking certificate was issued in error.

a. The reasons a junking certificate was issued in error include but are not limited to the following:

(1) The owner inadvertently surrendered the wrong certificate of title. The owner shall submit to the department a photocopy of the ownership document for each vehicle and a signed statement explaining the circumstances that resulted in the error.

(2) A junking certificate was obtained in error and the vehicle continues to be registered. The owner shall submit to the department a photocopy of the current registration and a signed statement explaining the circumstances that resulted in the error.

(3) The owner intended to apply for a salvage title under Iowa Code subsection 321.52(4) but inadvertently submitted an application for a junking certificate. The owner shall submit to the department a bill of sale or other documentation from the previous owner stating that the vehicle was rebuildable when purchased and a signed statement explaining the owner's original intention to obtain a salvage title. The department shall inspect the vehicle to verify the rebuildable condition.

b. If the department determines that the junking certificate was issued in error, the department shall authorize the proper county treasurer to issue a certificate of title for the vehicle after payment by the owner of appropriate fees and taxes, including the return of any credit or refund for registration fees paid to the owner because of the error.

c. If the department determines that the junking certificate was not issued in error and denies the application for reinstatement of the certificate of title for the vehicle, the owner may apply for a certificate of title under the bonding procedure in rule 761—400.13(321) if the vehicle qualifies as an antique vehicle under Iowa Code subsection 321.115(1).

This rule is intended to implement Iowa Code subsection 321.52(3).

761—400.24(321) New vehicle registration fee. The registration fee shall be computed on the month of purchase of a new vehicle, except that the registration fee on a new vehicle acquired outside of this state shall be based on the month that the vehicle was brought into Iowa.

This rule is intended to implement Iowa Code sections 321.105 and 321.135.

761—400.25(321) Fees established by the department. If the department cannot obtain the retail list price and weight for a particular motor vehicle model registered under Iowa Code subsection 321.109(1), the department shall determine a list price and weight.

This rule is intended to implement Iowa Code sections 321.109, 321.157 and 321.159.

761—400.26(321) Anatomical gift. Voluntary contributions collected by the county treasurer or the department to the anatomical gift public awareness and transplantation fund shall be in whole dollar amounts. The county treasurer and the department shall remit contributions collected to the department of public health quarterly.

This rule is intended to implement Iowa Code section 321.44A.

761—400.27(321,322) Vehicles held for resale or trade by dealers. A motor vehicle dealer, as defined in Iowa Code section 321.1, is authorized to hold a motor vehicle for resale or trade under the following conditions.

400.27(1) Assignment to dealer. The certificate of title or manufacturer's certificate of origin for the vehicle shall be assigned to the dealer by the seller. The seller shall complete the assignment portion of the form, including the date of sale or trade and the name and address of the dealer, and shall sign the form. The date of the sale or trade shown in the assignment portion of the form shall be the date the dealer acquired the vehicle.

400.27(2) New certificate of title and registration not required.

a. A motor vehicle currently registered in Iowa may be held by a dealer without obtaining a new certificate of title or a new registration if the dealer holds for that vehicle a certificate of title or a manufacturer's certificate of origin properly assigned to the dealer.

b. A motor vehicle may also be held by a dealer without obtaining a new certificate of title or a new registration if the dealer has a title from a state that permits its titles to be reassigned by Iowa dealers and if a vacant reassignment space is available on the title.

400.27(3) New certificate of title required. A dealer shall obtain a new certificate of title, but is not required to pay registration fees for a vehicle if:

a. The vehicle has been registered in a foreign state or country that does not permit its titles to be reassigned by Iowa dealers.

b. The vehicle was assigned to the dealer using an affidavit of foreclosure form prescribed by the department or issued by a foreign jurisdiction.

c. The reassignment area of the certificate of title has been used.

d. Reserved.

e. The vehicle registration fee was delinquent in Iowa at the time the vehicle was acquired by the dealer. The delinquent fees and penalty shall be paid by the dealer from the first day the registration was due to the month the application for title is submitted.

f. In accordance with 761—Chapter 405, the dealer is required to obtain a salvage certificate of title.

400.27(4) New certificate of title and registration fee required. A dealer shall obtain both a new certificate of title and pay a registration fee for a vehicle if:

a. The vehicle has a foreign certificate of title but has never been registered and the dealer is not licensed under Iowa Code chapter 322 to sell that line make of vehicle. The registration fee due shall be prorated for the remaining unexpired months of the dealer's registration year.

b. The vehicle was placed in storage by the previous owner. The registration fee due shall be a full registration year fee.

c. The vehicle has been registered in a foreign state or country that does not permit its titles to be reassigned by Iowa dealers or all reassignment spaces on the title are full and the application for a new certificate of title is submitted more than 30 days after the date the vehicle entered Iowa. The registration fee due shall be prorated for the remaining unexpired months of the dealer's registration year.

d. The vehicle was in the dealer's inventory and the dealer's license was revoked as provided in Iowa Code chapter 322 or 322C or surrendered in lieu of revocation. The dealer shall obtain title and

registration within 30 days from the date of revocation or surrender of the license. The registration fee due shall be prorated for the remaining unexpired months of the registration year.

400.27(5) *Registration fee required.* A vehicle owned by a dealer and used as a work or service vehicle, or offered for lease, rent or hire, shall become subject to a registration fee in the month that the vehicle is first used for that purpose. The registration fee shall be due annually unless the vehicle is transferred to the dealer's inventory. To transfer the vehicle, the dealer shall surrender the registration plates that were issued for the vehicle.

400.27(6) *Violations.*

a. Failure to comply with this rule is a violation of Iowa Code subsection 321.104(2).

b. Failure to obtain a certificate of title when required shall result in a title penalty of \$10, as specified in Iowa Code subsection 321.49(1).

This rule is intended to implement Iowa Code sections 321.45, 321.46, 321.48, 321.49, 321.67, 321.70, 321.104 and chapter 322.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—400.28(321) *Special trucks.* The owner of a truck tractor registered as a special truck shall certify to the owner's county treasurer annually at the time of renewal that the truck tractor is not operated more than 15,000 miles annually.

This rule is intended to implement Iowa Code subsection 321.1(76) and section 321.121.

761—400.29(321) *Vehicles previously registered under Iowa Code chapter 326.* Rescinded IAB 11/23/05, effective 12/28/05.

761—400.30(321) *Registration of vehicles registered in another state or country.*

400.30(1) The registration fee for a vehicle from another state or country shall be due in the month that the vehicle becomes subject to registration in Iowa.

400.30(2) A vehicle registered in another state or country shall become subject to registration in Iowa and payment of the Iowa registration fee in:

a. The month of sale or transfer to an Iowa resident, or

b. The month that a nonresident owner establishes Iowa residency or accepts employment in Iowa of 90 days duration or longer. The county treasurer or the department may require from the applicant a written statement giving the date that the applicant established residency in Iowa.

400.30(3) Rescinded IAB 2/6/02, effective 3/13/02.

This rule is intended to implement Iowa Code sections 321.18, 321.20, 321.53 to 321.55, 321.101 and 321.135.

761—400.31 Rescinded, effective 12/1/83.

761—400.32(321) *Vehicles owned by nonresident members of the armed services.*

400.32(1) A vehicle owner who is a nonresident and a member of the armed services shall not be required to register the vehicle in Iowa if it is properly registered in the person's state of residence.

400.32(2) A vehicle owner who is a nonresident and a member of the armed services may register the vehicle in Iowa under the following conditions:

a. The vehicle is owned entirely by nonresidents.

b. The fee for a passenger-type vehicle registered under Iowa Code section 321.109 shall be based only on the weight of the vehicle; the part of the fee based on value shall be excluded. The fees for all other vehicles shall be determined as specified in Iowa Code chapter 321.

c. The application for vehicle registration shall include a certification by the person's commanding officer of the person's state of residence and assignment to Iowa.

400.32(3) If ownership of a passenger-type vehicle is transferred to another person, the vehicle shall be subject to registration in Iowa.

This rule is intended to implement Iowa Code sections 321.53 to 321.55 and 321.109.

761—400.33(321) Disabled veterans exemption from payment of registration fees. Rescinded IAB 11/23/05, effective 12/28/05.

761—400.34(321) Multipurpose vehicle registration fee. Rescinded IAB 11/7/07, effective 12/12/07.

761—400.35(321) Registration of vehicles equipped for persons with disabilities. The registration fee shall be reduced for an automobile, multipurpose vehicle, or motor truck with an unladen weight of 10,000 pounds or less with permanent equipment for assisting a person with a disability or for an automobile, multipurpose vehicle, or motor truck with an unladen weight of 10,000 pounds or less used by a person who uses a wheelchair as the person's only means of mobility. To qualify for the reduction, the owner of the vehicle must provide a written self-certification at the first registration and at each renewal:

400.35(1) That the automobile, multipurpose vehicle, or motor truck with an unladen weight of 10,000 pounds or less has permanently installed equipment manufactured for and necessary to assist a person with a disability, as defined in Iowa Code section 321L.1, to enter or exit the vehicle, or

400.35(2) That the owner or a member of the owner's household uses a wheelchair as the person's only means of mobility.

This rule is intended to implement Iowa Code sections 321.109, 321.124 and 321L.1.
[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—400.36(321) Land and water-type travel trailers registration fee. The registration fee for trailer-type vehicles designed to be used as a travel trailer and for use upon water shall be registered as a travel trailer. The exterior measurements used to determine the registration fee shall not include any pen deck area or area occupied by a trailer hitch.

This rule is intended to implement Iowa Code sections 321.1 and 321.123.

761—400.37(321) Motorcycle primarily designed or converted to transport property. A motorcycle primarily designed or converted to transport less than 1000 pounds of property shall be registered as a motorcycle. A motorcycle primarily designed or converted to transport 1000 pounds of property or more shall be registered as a motor truck.

This rule is intended to implement Iowa Code sections 321.1 and 321.117.

761—400.38(321) Rescinded IAB 3/26/97, effective 4/30/97.

761—400.39(321) Conversion of motor vehicles.

400.39(1) An automobile converted to a truck with a carrying capacity of 1000 pounds or more shall be registered as a reconstructed motor vehicle.

400.39(2) A vehicle manufactured as a truck tractor or motor truck shall not be registered as a motor home unless the vehicle has been substantially altered to change its type and mode of operation so that it is a reconstructed vehicle as defined in Iowa Code section 321.1.

This rule is intended to implement Iowa Code sections 321.23, 321.124 and 321.111.
[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 0136C, IAB 5/30/12, effective 7/4/12]

761—400.40(321) Manufactured or mobile home converted to or from real property.

400.40(1) Conversion to real property. When a manufactured or mobile home is converted to real property under Iowa Code section 435.26, the assessor shall collect its vehicle certificate of title. The assessor shall note the conversion on the face of the certificate of title above the assessor's signature, date the notation and deliver the title to the county treasurer. The county treasurer shall note the conversion on the vehicle record in the county treasurer's office, cancel the record, keep the certificate of title and notify the department of the cancellation. The department shall cancel its record for that manufactured or mobile home.

400.40(2) Reconversion from real property.

a. When a manufactured or mobile home is reconverted from real property by adding a vehicular frame, the owner may apply to the county treasurer for a certificate of title.

b. The owner shall submit a record of existing liens obtained from a local abstractor. The record shall identify the owner of the property, list all liens and encumbrances against the property, and shall be signed by the abstractor.

c. The owner shall also submit written consent to the reconversion from any person holding a mortgage on the real property (mortgagee). An existing mortgage shall be noted as a security interest on the certificate of title.

d. The county treasurer shall submit written notice of the reconversion to the county assessor's office.

This rule is intended to implement Iowa Code sections 321.1, 435.1, 435.26, 435.26A and 435.27.

761—400.41(321) Special registration plates. Rescinded IAB 3/1/95, effective 4/5/95.

761—400.42(321) Church bus registration fee. The church bus registration fee shall not apply if the bus is used in a manner other than provided by law or if ownership of the bus is transferred to a person who is not entitled to register the vehicle as a church bus.

400.42(1) When the church bus registration fee does not apply, the bus shall be registered under the provisions of Iowa Code section 321.122.

400.42(2) When Iowa Code section 321.122 applies and the bus is currently registered as a church bus, the registration fee shall be prorated for the remaining unexpired months of the registration year.

This rule is intended to implement Iowa Code sections 321.119 and 321.122.

761—400.43(321) Storage of vehicles.

400.43(1) The owner of a vehicle upon which the registration fee is not delinquent may surrender all registration plates for the vehicle to the county treasurer where the vehicle is registered and shall have the right to register the vehicle later upon payment of the annual registration fee due at the time of removal of the vehicle from storage. Payment of a registration fee shall not be required when the vehicle is removed from storage within the current registration year provided that registration fees have not been refunded. Plates that have been surrendered shall be destroyed. When a vehicle is removed from storage, the fee is \$5 for a set of replacement plates.

400.43(2) The owner of a motor vehicle which is placed in storage when the owner enters the military service of the United States shall comply with Iowa Code subsection 321.126(3), and subrule 400.43(1) does not apply.

This rule is intended to implement Iowa Code sections 321.126 and 321.134.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—400.44(321) Penalty on registration fees.

400.44(1) *Monthly basis.* The penalty on the delinquent payment of a registration fee shall be computed on a monthly basis, rounded to the nearest whole dollar.

400.44(2) *Vehicle purchased.* The penalty on the registration fee shall accrue from the first day of the month following the date of purchase, unless the application for a certificate of title is submitted within 30 days after the date of purchase.

400.44(3) *Vehicle moved into Iowa.* The penalty on the registration fee shall accrue on the first day of the month following 30 days from the date a vehicle is moved into Iowa.

400.44(4) *When delinquency extends beyond the current year.* When the penalty on a delinquent registration fee extends beyond the current year, the penalty shall continue to accrue until paid. Penalty shall only accrue on the fee applicable at the time the delinquency accrued and shall not be applicable to subsequent registration fees which have not been paid.

400.44(5) *Statement of nonuse.* If the owner of a vehicle, on which the registration fees have not been paid for more than three complete registration years, certifies to the county treasurer of the owner's residence that the vehicle has not been moved or operated upon the highway since the year it was last

registered, the county treasurer may register the vehicle upon payment of the current year's registration fee.

400.44(6) *Waiver of penalties for military members.* Registration penalties shall be waived as provided in Iowa Code section 321.134, subsection 5, if the owner provides a copy of an official government document verifying that the applicant is in the military service of the United States and has been relocated as a result of being placed on active duty on or after September 11, 2001.

This rule is intended to implement Iowa Code sections 321.39, 321.46, 321.47, 321.49, 321.134 and 321.135.

761—400.45(321) Suspension, revocation or denial of registration.

400.45(1) The department shall suspend or revoke registration and plates under Iowa Code section 321.101 when a written request is received from a peace officer or the county treasurer's office that issued the registration and plates.

a. A request from a peace officer shall be submitted on a form prescribed by the department.

b. A request from a county treasurer's office shall be signed by the county treasurer or designee.

400.45(2) When the registration of a vehicle has been revoked as provided in Iowa Code sections 321.101 and 321.101A, the registration fee and penalty shall accrue as if the plates had never been issued, unless waiver of registration fees and penalties is specifically provided for in Iowa Code chapter 321.

400.45(3) In accordance with Iowa Code sections 252J.8 and 261.126, the department shall suspend or deny the issuance or renewal of registration and plates upon receipt of a certificate of noncompliance from the child support recovery unit or the college student aid commission.

a. The suspension or denial shall become effective 30 days after notice to the vehicle owner and continue until the department receives a withdrawal of the certificate of noncompliance from the child support recovery unit or the college student aid commission.

b. If a person who is the named individual on a certificate of noncompliance subsequently purchases a vehicle, the vehicle shall be titled and registered, but the registration shall be immediately suspended.

This rule is intended to implement Iowa Code sections 252J.1, 252J.8, 252J.9, 261.126, 321.127, 321.101 and 321.101A.

761—400.46(321) Termination of suspension of registration. Upon termination of the suspension of registration of a vehicle, the county treasurer shall issue new plates for the vehicle. If the new plates replace a current series of plates, there shall be a replacement fee as provided in Iowa Code section 321.42. If the vehicle is not currently registered at the time the suspension is lifted, the registration fee and penalties due shall be determined as follows:

400.46(1) If the registration fee was delinquent at the time that the suspension became effective, the penalty shall continue to accrue on the registration fee until the suspension became lifted and the registration fee is paid. In addition, if the suspension was for failure to pay an additional registration fee, the additional registration fee shall be paid before the suspension is lifted.

400.46(2) If the registration fee was not delinquent when the suspension became effective and the suspension is lifted after the beginning of another registration year, the annual registration fee for that year shall be due in the month the suspension is lifted. The penalty shall accrue on the registration fee the first day of the month following the month that the suspension was lifted. The annual registration fee on a recovered stolen vehicle for which the registration has been suspended shall be prorated for the remaining unexpired months of the registration year.

400.46(3) If the registration fee was not delinquent at the time that the suspension became effective and the suspension is lifted during the same registration period, no additional registration fees shall be due unless the suspension was for failure to pay an additional registration fee, in which event the additional registration fee shall be paid before the suspension is lifted.

This rule is intended to implement Iowa Code sections 321.42, 321.105 and 321.134.

761—400.47(321) Raw farm products. A vehicle may be operated with a gross weight of 25 percent in excess of the gross weight for which it is registered when transporting a load of raw farm products or soil fertilizers under Iowa Code section 321.466. In addition, the following products shall be considered raw farm products. This list shall not be deemed conclusive and shall not exclude other commodities which might be considered raw farm products:

Animals which are dead	Hides
Berries, fresh	Honey, comb or extracted
Blood	Melons
Corn, ear corn including hybrids	Milk, raw
Corn, shelled	Nursery stock
Corn, cobs	Potatoes
Cream, separated	Peat
Eggs, fresh or frozen in shell	Poultry, live
Flax	Saw logs
Flaxseed	Sod
Fodder	Soybeans
Fruit, fresh	Straw, baled or loose
Grain, threshed or unthreshed	Vegetables, fresh
Hair	Wood, cord or stove wood
Hay, baled or loose	Wool

This rule is intended to implement Iowa Code section 321.466, subsections (5) and (6).

761—400.48(321) Special mobile equipment. Rescinded IAB 3/7/90, effective 4/11/90.

761—400.49(321) Special mobile equipment transported on a registered vehicle. Rescinded IAB 3/7/90, effective 4/11/90.

761—400.50(321,326) Refund of registration fees.

400.50(1) Vehicles registered by county treasurer.

a. The department shall refund fees for vehicles registered by the county treasurer pursuant to Iowa Code section 321.126.

b. A claim for refund shall be made on a form prescribed by the department. Except as provided in Iowa Code section 321.126, the claim may be submitted to the county treasurer's office in any county.

c. Registration plates shall be submitted with the claim if the vehicle is placed in storage or registered for proportional registration, if the owner of the vehicle moves out of state, or if the plates have not been assigned to a replacement vehicle. If one or both plates have been lost or stolen, the claimant shall certify this fact in writing.

d. For a vehicle that was junked, the date on the junking certificate shall determine the date the vehicle was junked.

e. If the claim for refund is for excess credit or no replacement vehicle:

(1) The county treasurer shall enter into the state motor vehicle computer system the information required to process the refund. The information shall be entered within three days of receipt of the claim for refund.

(2) The claim for refund shall be approved or denied by the office of vehicle services.

f. All other claims for refund shall be forwarded to the office of vehicle services for processing.

400.50(2) Vehicles registered by department. Forms and instructions for claiming a refund on apportioned registration fees under Iowa Code section 326.15 may be obtained from the office of motor carrier services at the address in subrule 400.6(2). The claim for refund shall be filed at the same address.

400.50(3) *Disapproved claim.* Rescinded IAB 11/23/05, effective 12/28/05.

This rule is intended to implement Iowa Code sections 25.1, 321.126 to 321.128 and 326.15.

761—400.51(321) Assigned identification numbers. The department is authorized to issue to the owner an assigned vehicle identification number for a vehicle, an assigned component part number for a component part, and an assigned product identification number for a fence-line feeder, grain cart, or tank wagon. An identification number shall be assigned only if the department is satisfied as to the true identity and ownership of the vehicle, component part, fence-line feeder, grain cart or tank wagon. When an assigned vehicle identification number has been issued for a vehicle, the vehicle shall be registered and titled under that number. An assigned component part number or an assigned product identification number shall be used only for identification purposes.

400.51(1) Issuance of an identification number. The department shall issue an assigned vehicle identification number, assigned component part number or assigned product identification number, as applicable, only if:

- a. The original number has been destroyed, removed or obliterated.
- b. The vehicle has had a cab, body, or frame change and the replacement cab, body, or frame is within the manufacturer's interchangeability parts specifications catalog and is compatible with the make, model, and year of the vehicle. If the replacement cab, body, or frame change is not within the manufacturer's interchangeability parts specifications catalog or is not compatible with the make, year, and model of the vehicle, the vehicle shall be considered reconstructed and subject to rule 761—400.16(321).
- c. The vehicle is a specially constructed, reconstructed, street rod or replica motor vehicle. See rule 761—400.16(321) for the requirements and procedures applicable to specially constructed, reconstructed, street rod or replica motor vehicles.

400.51(2) Procedures.

a. *Request.* Whenever an assigned identification number is required under subrule 400.51(1) and the request does not apply to a specially constructed, reconstructed, street rod or replica motor vehicle, the owner of the vehicle, component part, fence-line feeder, grain cart or tank wagon, or the person holding lawful custody, shall contact the department's office of motor vehicle enforcement and request the assignment of a number.

b. *Examination.* A motor vehicle investigator shall contact the owner and schedule a time and place for examination of the vehicle, component part, fence-line feeder, grain cart or tank wagon and ownership documents. The owner of the vehicle may drive or tow the vehicle to and from the examination location by completing the affidavit to drive section on the certification of compliance form. The affidavit shall state that the vehicle is reasonably safe for operation and must be signed by the owner.

If the vehicle has had a cab, body, or frame change, the owner shall have, for evidence of ownership for the replacement cab, body, or frame, a bill of sale with a description of the part, complete with the manufacturer's identification number, if any, and the name, address, and telephone number of the seller. The bill of sale, the vehicle, and the cab, body, or frame that has been replaced shall be made available for examination at the time and place scheduled.

c. *Assigned vehicle identification number.*

(1) The investigator upon approval of the request shall affix to the vehicle an assigned vehicle identification number and give to the owner an assigned vehicle identification number (VIN) form.

(2) The owner shall submit the VIN form, the certificate of title, and the registration receipt issued for the vehicle to the county treasurer. If the certificate of title is in the possession of a secured party, the county treasurer shall notify the secured party to return the certificate of title to the county treasurer for the purpose of issuing a corrected title. Upon receipt of the notification, the secured party shall submit the certificate of title within ten days. The county treasurer, upon receipt of the certificate of title, the registration receipt and the VIN form, shall issue a corrected title and registration receipt listing as the vehicle identification number the assigned vehicle identification number.

d. *Assigned component part number.* The investigator upon approval of the request shall affix to the component part an assigned component part number and give to the owner a component part form.

The owner shall retain the form as a record of issuance and attachment. The form shall be made available on demand by any peace officer for examination.

e. Assigned product identification number. The investigator upon approval of the request shall affix an assigned product identification number to the fence-line feeder, grain cart or tank wagon and give to the owner an assigned product identification number form. The owner shall retain the form as a record of issuance and attachment. The form shall be made available on demand by any peace officer for examination.

400.51(3) Fees. A certificate of title fee and a fee for a notation of a security interest, if applicable, shall be collected by the county treasurer upon issuance of a corrected certificate of title.

This rule is intended to implement Iowa Code sections 321.1, 321.43 and 321.92.

[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 0136C, IAB 5/30/12, effective 7/4/12]

761—400.52(321) Odometer statement.

400.52(1) Pursuant to Iowa Code section 321.71 and 49 U.S.C. Section 32705, an odometer disclosure statement shall be submitted with an application for certificate of title for a motor vehicle. The statement shall provide a current odometer reading and reflect whether the mileage is “actual,” “not actual” or “exceeds mechanical limits.”

400.52(2) If the transferor failed to provide an odometer disclosure statement or if the transferee lost the statement, and the transferee has attempted in good faith to contact the transferor to obtain a statement, the transferee may file a sworn statement of these facts on a form prescribed by the department. The sworn statement shall be accepted by the county treasurer or the department in lieu of the required odometer disclosure statement. The subsequent title issued from the sworn statement will record “not actual” mileage.

400.52(3) A model year formula for odometer statements shall be the current year minus ten. The resulting number represents the first model year for which a motor vehicle is exempt from the odometer statement requirements incident to a transfer.

This rule is intended to implement Iowa Code section 321.71.

761—400.53(321) Stickers.

400.53(1) Placement of validation sticker. The validation sticker shall be affixed to the lower left corner of the rear registration plate. EXCEPTIONS: For motorcycle and small trailer plates, the validation sticker shall be affixed to the upper left corner of the plate. For natural resources plates, the sticker may be affixed to the lower right corner of the rear plate.

400.53(2) Special fuel user identification sticker. If the vehicle uses a special fuel as defined in Iowa Code section 452A.2, a special fuel user identification sticker shall be issued. This sticker shall be displayed on the cover of the fuel inlet of the motor vehicle or on the outside panel of the motor vehicle within 3 inches of the fuel inlet so as to be in view when fuel is delivered into the motor vehicle.

400.53(3) Persons with disabilities parking sticker. A persons with disabilities special registration plate parking sticker shall be affixed to the lower right corner of the rear registration plate.

400.53(4) Special truck sticker. An owner of a special truck, registered pursuant to Iowa Code section 321.121, who has been issued either regular registration plates or special registration plates other than special truck registration plates must obtain from the county treasurer a sticker which distinguishes the vehicle as a special truck. The sticker shall be affixed to the lower right corner of the rear registration plate. EXCEPTION: If the vehicle displays front and rear plates, two stickers shall be issued with one sticker affixed to the lower right corner of the front plate and rear plate. For natural resources plates, the stickers must be affixed to the lower left corner of the front and rear plates.

This rule is intended to implement Iowa Code sections 321.34, 321.40, 321.41, 321.121 as amended by 2011 Iowa Acts, Senate File 312, section 3, and 321.166.

[ARC 9833B, IAB 11/2/11, effective 12/7/11]

761—400.54(321) Registration card issued for trailer-type vehicles. The registration card issued for trailer-type vehicles shall be carried in the vehicle which is described on the card or the registration card may be carried in the driver’s compartment of the towing vehicle. If the registration card is carried in

the vehicle which is described on such card, the registration card shall be enclosed in a registration card holder and the holder shall be attached to the vehicle so that the registration card may be viewed by any peace officer upon request.

This rule is intended to implement Iowa Code section 321.32.

761—400.55(321) Damage disclosure statement.

400.55(1) If the transferor failed to provide a damage disclosure statement or if the transferee lost the statement, and the transferee has attempted in good faith to contact the transferor to obtain a statement, the transferee may file a sworn statement of these facts. The transferee shall also complete section 2 of a separate damage disclosure statement and sign on the buyer's line. The sworn statement and damage disclosure statement completed by the transferee shall be accepted by the county treasurer or the department in lieu of the damage disclosure statement required from the transferor.

400.55(2) A model year formula for damage disclosure statements shall be the current year minus eight. The resulting number represents the first model year for which a motor vehicle is exempt from the damage disclosure statement requirements incident to a transfer.

This rule is intended to implement Iowa Code section 321.69.

761—400.56(321) Hearings. The department shall send notice by certified mail to a person whose certificate of title, vehicle registration, license, or permit is to be revoked, suspended, canceled, or denied. The notice shall be mailed to the person's mailing address as shown on departmental records and shall become effective 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request shall be submitted in writing to the director of the office of vehicle services at the address in subrule 400.6(1). The request for a contested case shall be deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice of revocation, suspension, cancellation, or denial.

This rule is intended to implement Iowa Code sections 17A.10 to 17A.19, 321.101 and 321.102.
[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—400.57(321) Non-resident-owned vehicles. Rescinded IAB 2/6/02, effective 3/13/02.

761—400.58(321) Motorized bicycles. The following rules shall apply to motorized bicycles.

400.58(1) *Maximum speed.* If the department has reasonable cause to believe that a particular vehicle or model is capable of speeds exceeding 30 miles per hour, the department may conduct independent tests to determine the maximum speed of the vehicle or model. If the department determines that the maximum speed of the particular vehicle or model exceeds 30 miles per hour, the vehicle or model shall not be registered as a motorized bicycle.

400.58(2) *Identification of a vehicle as a motorized bicycle.* Registration plates issued for motorcycles shall also be issued for motorized bicycles.

This rule is intended to implement Iowa Code sections 321.1 and 321.166.

761—400.59(321) Registration documents lost or damaged in transit through the United States postal service. To obtain without cost the reissuance of registration documents that were sent by the county treasurer to the owner through the United States postal service and which were lost or damaged in transit, the owner of the vehicle shall file application for reissuance within 60 days of the date the documents were issued by the county treasurer.

This rule is intended to implement Iowa Code section 321.42.

761—400.60(321) Credit of registration fees.

400.60(1) *Credit for unexpired registration fee.* The applicant may claim credit, as specified in Iowa Code subsection 321.46(3), toward the registration fee for one newly acquired replacement vehicle.

a. The credit may be claimed only when the owner of the newly acquired vehicle is applying for a certificate of title and registration (or just registration if the vehicle is not subject to titling provisions) for the newly acquired vehicle.

b. For a junked vehicle, the date on the junking certificate shall determine the date the vehicle was junked.

c. Excess credit shall not be applied toward the registration fee for a second vehicle.

d. Credit shall be allowed for one or two vehicles which have been sold, traded or junked toward one replacement vehicle. Credit shall be based on the remaining unexpired months of the registration year(s) of the vehicle(s) sold, traded or junked.

400.60(2) *Credit for transfer to spouse, parent or child.* Credit shall be allowed toward a new registration for a vehicle being transferred to the applicant from the applicant's spouse, parent or child, or from a former spouse pursuant to a dissolution of marriage decree, if application for the certificate of title and registration (or just registration if the vehicle is not subject to titling provisions) is made within 30 days after the date of transfer. If the owner is deceased, credit may be transferred under rule 761—400.14(321) of this chapter.

400.60(3) *Credit from/to proportional registration.*

a. Pursuant to Iowa Code section 321.46A, an owner may claim credit toward the registration fees due when changing a vehicle's registration from proportional registration under Iowa Code chapter 326 to registration under Iowa Code chapter 321. The owner shall surrender proof of proportional registration to the county treasurer. Credit shall be allowed for the unexpired complete calendar months remaining in the registration year from the date the application is filed with the county treasurer.

b. Pursuant to Iowa Code sections 321.126 and 321.127, the owner or lessee of a motor vehicle may claim credit for the proportional registration fees due when changing the vehicle's registration from registration by the county treasurer to proportional registration. Application for proportional registration shall be submitted to the department's office of motor carrier services; see 761—Chapter 500.

400.60(4) *Assignment of credit and registration plates from lessor to lessee.* When a lessee purchases the leased vehicle and within 30 days requests the assignment of the vehicle's fee credit and registration plates, the lessor shall assign the registration fee credit and registration plates for the purchased vehicle to the lessee.

This rule is intended to implement Iowa Code sections 321.46, 321.46A, 321.48, 321.126 and 321.127.

761—400.61(321) Reassignment of registration plates.

400.61(1) Registration plates may be reassigned if one of the owners listed on the registration receipt before the transfer is also a listed owner following the transfer.

400.61(2) Registration plates may be reassigned when credit is allowed toward a new registration for a vehicle being transferred to the owner's spouse, parent, or child, or to a former spouse pursuant to a dissolution of marriage decree. If the owner is deceased, plates may be transferred under rule 761—400.14(321).

400.61(3) Registration plates shall not be reassigned between a natural person or persons and a corporation, association, copartnership, company, or firm.

400.61(4) Registration plates may be reassigned and credit allowed if two or more corporations, associations, partnerships, or firms merge into one corporation, association, partnership or firm.

400.61(5) Registration plates may be assigned and credit allowed if an owner listed on the certificate of title and registration transfers ownership of the vehicle to a trust created by that owner.

This rule is intended to implement Iowa Code sections 321.34 and 321.46.

761—400.62(321) Storage of registration plates, certificate of title forms and registration forms. Registration plates, certificate of title forms and registration forms which are consigned to county treasurers by the department shall be stored in a secure location. The location may be within the office of the county treasurer which is accessible only to authorized persons or in a storage area located outside the general office area assigned to the county treasurer. Any storage area located outside the

general office area assigned to the county treasurer shall be of the construction that it is accessible only to authorized persons, as designated by the county treasurer or department.

This rule is intended to implement Iowa Code sections 321.5, 321.8, and 321.167.

761—400.63(321) Disposal of surrendered registration plates. The county treasurer shall either destroy plates that have been surrendered to the county treasurer or return the surrendered plates to Iowa state industries for recycling.

This rule is intended to implement Iowa Code sections 321.5 and 321.171.

761—400.64(321) County treasurer's report of motor vehicle collections and funds. The county treasurer shall file the report provided for in Iowa Code section 321.153 in a manner prescribed by the department.

This rule is intended to implement Iowa Code section 321.153.

761—400.65 to 400.69 Reserved.

761—400.70(321) Removal of registration and plates by peace officer under financial liability coverage law. This rule applies to instances when a peace officer issues a citation and removes the registration receipt and registration plates of a motor vehicle registered in this state when the driver of the motor vehicle is unable to provide proof of financial liability coverage. This rule applies regardless of whether the vehicle was also impounded.

400.70(1) The peace officer shall forward the registration receipt and evidence of the violation to the county treasurer of the county in which the motor vehicle is registered. Evidence of the violation is one of the following:

a. A copy of the citation. The citation must either reference Iowa Code subparagraph 321.20B(4) "a"(3) or 321.20B(4) "a"(4), as applicable, or reference Iowa Code section 321.20B and indicate whether or not the vehicle was impounded.

b. A written statement from the peace officer listing the plate number of the registration plate removed from the vehicle and the vehicle owner's name. The statement must either reference Iowa Code subparagraph 321.20B(4) "a"(3) or 321.20B(4) "a"(4), as applicable, or reference Iowa Code section 321.20B and indicate whether or not the vehicle was impounded. The statement must be signed by the peace officer or an employee of the law enforcement agency.

400.70(2) The peace officer may either destroy removed plates or deliver the removed plates to the county treasurer for destruction.

This rule is intended to implement Iowa Code section 321.20B.

761—400.71(321) Lemon law designation. Rescinded IAB 11/7/07, effective 12/12/07.

[761—Chapter 400 appeared as Ch 11, Department of Public Safety, 1973 IDR]

[Filed 7/1/75]

[Filed 11/9/77, Notice 9/21/77—published 11/30/77, effective 1/4/78]

[Filed 5/9/78, Notice 3/22/78—published 5/31/78, effective 7/5/78]

[Filed 10/10/78, Notice 8/23/78—published 11/1/78, effective 12/6/78]

[Filed 11/13/78, Notice 9/20/78—published 11/29/78, effective 1/3/79]

[Filed 4/23/79, Notice 3/7/79—published 5/16/79, effective 6/20/79]

[Filed 8/23/79, Notice 7/11/79—published 9/19/79, effective 10/24/79]

[Filed 8/23/79, Notice 7/11/79—published 9/19/79, effective 12/1/79]

[Filed 2/14/80, Notice 12/26/79—published 3/5/80, effective 4/9/80]

[Filed 12/4/80, Notice 10/15/80—published 12/24/80, effective 1/28/81]

[Filed 12/16/81, Notice 10/28/81—published 1/6/82, effective 2/10/82]

[Filed 9/30/82, Notice 8/18/82—published 10/27/82, effective 12/1/82]

[Filed 1/21/83, Notice 12/8/82—published 2/16/83, effective 3/23/83]

[Filed emergency 2/17/83—published 3/16/83, effective 3/23/83]

[Filed 8/4/83, Notice 6/22/83—published 8/31/83, effective 12/1/83]

[Filed 12/23/83, Notice 11/9/83—published 1/18/84, effective 2/22/84]
 [Filed emergency 7/17/84—published 8/15/84, effective 7/18/84]
 [Filed 9/28/84, Notice 8/15/84—published 10/24/84, effective 11/28/84]
 [Filed emergency 12/6/84—published 1/2/85, effective 12/7/84]
 [Filed 1/9/85, Notice 11/21/84—published 1/30/85, effective 3/6/85]
 [Filed 7/10/85, Notice 5/22/85—published 7/31/85, effective 9/4/85]
 [Filed emergency 9/4/85—published 9/25/85, effective 10/1/85]
 [Filed 11/14/85, Notice 9/25/85—published 12/4/85, effective 1/8/86]
 [Filed emergency 10/9/86—published 11/5/86, effective 10/10/86]
 [Filed 12/18/86, Notice 11/5/86—published 1/14/87, effective 2/18/87]
 [Filed emergency 2/18/87—published 3/11/87, effective 2/18/87]
 [Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87][◇]
 [Filed 11/5/87, Notice 9/23/87—published 12/2/87, effective 1/6/88]
 [Filed 1/6/88, Notice 11/18/87—published 1/27/88, effective 3/2/88]
 [Filed emergency 6/22/88—published 7/13/88, effective 7/1/88]
 [Filed 2/9/89, Notice 12/28/88—published 3/8/89, effective 4/12/89]
 [Filed 10/5/89, Notice 8/23/89—published 11/1/89, effective 12/6/89]
 [Filed 11/1/89, Notice 9/20/89—published 11/29/89, effective 1/3/90]
 [Filed emergency 11/30/89—published 12/27/89, effective 12/1/89]
 [Filed 2/7/90, Notice 12/27/89—published 3/7/90, effective 4/11/90]
 [Filed emergency 7/5/90—published 7/25/90, effective 7/5/90]
 [Filed 12/5/90, Notice 10/17/90—published 12/26/90, effective 1/30/91]
 [Filed 7/17/91, Notice 5/1/91—published 8/7/91, effective 9/11/91]
 [Filed 10/23/91, Notice 9/18/91—published 11/13/91, effective 12/18/91]
 [Filed 11/6/91, Notice 10/2/91—published 11/27/91, effective 1/1/92]
 [Filed 11/22/91, Notice 10/16/91—published 12/11/91, effective 1/15/92][◇]
 [Filed 1/15/92, Notice 12/11/91—published 2/5/92, effective 3/11/92]
 [Filed emergency 3/26/92—published 4/15/92, effective 4/29/92]
 [Filed 12/18/92, Notice 10/28/92—published 1/6/93, effective 2/10/93]
 [Filed 1/14/93, Notice 12/9/92—published 2/3/93, effective 3/10/93]
 [Filed 12/16/93, Notice 11/10/93—published 1/5/94, effective 2/9/94]
 [Filed 2/8/95, Notice 1/4/95—published 3/1/95, effective 4/5/95]
 [Filed 11/29/95, Notice 10/25/95—published 12/20/95, effective 1/24/96]
 [Filed 3/5/97, Notice 1/29/97—published 3/26/97, effective 4/30/97]
 [Filed 3/11/98, Notice 1/28/98—published 4/8/98, effective 5/13/98]
 [Filed 10/28/98, Notice 8/26/98—published 11/18/98, effective 12/23/98]
 [Filed 12/16/98, Notice 11/4/98—published 1/13/99, effective 2/17/99]
 [Filed 3/10/99, Notice 1/13/99—published 4/7/99, effective 5/12/99]
 [Filed 5/12/99, Notice 3/24/99—published 6/2/99, effective 7/7/99]
 [Filed 8/4/99, Notice 6/30/99—published 8/25/99, effective 9/29/99]
 [Filed 10/14/99, Notice 9/8/99—published 11/3/99, effective 12/8/99][◇]
 [Filed 5/3/00, Notice 2/23/00—published 5/31/00, effective 7/5/00]
 [Filed 7/18/01, Notice 5/30/01—published 8/8/01, effective 9/12/01]
 [Filed 1/17/02, Notice 11/28/01—published 2/6/02, effective 3/13/02]
 [Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]
 [Filed 11/7/02, Notice 10/2/02—published 11/27/02, effective 1/1/03]
 [Filed 11/2/05, Notice 9/14/05—published 11/23/05, effective 12/28/05]
 [Filed 10/11/07, Notice 8/15/07—published 11/7/07, effective 12/12/07]
 [Filed ARC 9048B (Notice ARC 8869B, IAB 6/30/10), IAB 9/8/10, effective 10/13/10]
 [Filed ARC 9833B (Notice ARC 9742B, IAB 9/7/11), IAB 11/2/11, effective 12/7/11]

[Filed ARC 0136C (Notice ARC 0068C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

◊ Two or more ARCs

CHAPTER 401
SPECIAL REGISTRATION PLATES

761—401.1(321) Definition. “Special registration plates” means those registration plates issued under Iowa Code sections 321.34 and 321.105 other than regular or sample plates. Special registration plates shall be issued in accordance with Iowa Code sections 321.34 and 321.105, this chapter of rules, and other applicable provisions of law.

761—401.2(321) Application, issuance and renewal.

401.2(1) Original application.

a. Except for collegiate plates, application for letter-number designated special registration plates that do not have eligibility requirements shall be made directly to the county treasurer’s office; no application form is required for these plates.

b. Collegiate plates, personalized plates, and special registration plates that have eligibility requirements must be requested using an application form prescribed by the department. Unless otherwise specified, completed application forms for these plates shall be submitted to the department at the following address: Office of Vehicle Services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Application forms may be obtained from the office of vehicle services or from any county treasurer’s office. Application forms are also available on the department’s Web site at <http://www.iowadot.gov/mvd>.

c. The issuance fee, if any, shall be submitted with the application.

401.2(2) Issuance.

a. Special registration plates shall be issued only to a person who is an owner or lessee of the vehicle and is entitled to the special registration plates.

b. Special registration plates shall not be issued unless the vehicle is currently registered and the registration plates previously issued are surrendered to the county treasurer. Special registration plates are void if they are not assigned to a vehicle within 90 days after the date the department orders them. A new application and a new issuance fee are required if the plates are reordered after the 90-day period.

c. and *d.* Rescinded IAB 11/7/07, effective 12/12/07.

401.2(3) Renewal. Special registration plates are renewed at the office of the county treasurer of the county of residence of the applicant. The renewal fee, if any, is termed a “validation” fee. The validation fee shall be paid when the regular annual registration fee is due and is in addition to the regular annual registration fee. If renewal is delinquent for more than one month:

a. A new application and a new issuance fee are required.

b. The department may issue the combination of characters on personalized plates to another applicant.

401.2(4) Fees. The issuance and validation fees for the various types of special registration plates that are available are set out in Iowa Code section 321.34.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—401.3 Reserved.

761—401.4(321) Gift certificates. Gift certificates for collegiate plates, personalized plates, and special registration plates that have eligibility requirements may be purchased using the prescribed plate application form. Gift certificates for special registration plates that counties have in their inventories may be purchased from county treasurers’ offices.

761—401.5(321) Amateur radio call letter plates. Application for amateur radio call letter plates shall be made to the county treasurer on a form prescribed by the department. The number of the amateur radio license issued by the Federal Communications Commission shall be listed on the application.

761—401.6(321) Personalized plates.

401.6(1) Application. Application for personalized plates shall be submitted to the department on a form prescribed by the department.

401.6(2) Characters. The personalized plates shall consist of no less than two nor more than seven characters except that personalized plates for motorcycles and small trailers shall consist of no less than two nor more than six characters.

a. The characters “A” to “Z” and “1” to “9” may be used. Zeros shall not be used.

b. The personalized plates shall not duplicate combinations of characters reserved or issued for any other vehicle plate series under Iowa Code chapter 321.

c. No combination of characters denoting a governmental agency shall be issued.

d. The department shall not issue any combination of characters it determines is:

(1) Sexual in connotation;

(2) A term of vulgarity, contempt, prejudice, hostility, insult, or racial or ethnic degradation;

(3) Recognized as a swear word;

(4) A reference to an illegal substance;

(5) A reference to a criminal act;

(6) Offensive; or

(7) A foreign word falling into any of these categories.

401.6(3) Renewal. Rescinded IAB 11/23/05, effective 12/28/05.

401.6(4) Reassignment. Rescinded IAB 11/23/05, effective 12/28/05.

401.6(5) Gift certificate. Rescinded IAB 11/23/05, effective 12/28/05.

761—401.7(321) Collegiate plates.

401.7(1) Application. Application for collegiate plates shall be submitted to the department on a form prescribed by the department. The applicant may request letter-number designated collegiate plates or personalized collegiate plates. Collegiate plates for motorcycles and small trailers are not available.

401.7(2) Characters. Personalized collegiate plates shall be issued in accordance with subrule 401.6(2) except that personalized collegiate plates are not available for motorcycles and small trailers.

401.7(3) Renewal. Rescinded IAB 11/23/05, effective 12/28/05.

401.7(4) Reassignment. Rescinded IAB 11/23/05, effective 12/28/05.

401.7(5) Gift certificate. Rescinded IAB 11/23/05, effective 12/28/05.

761—401.8(321) Medal of Honor plates.

401.8(1) Application. Application for Medal of Honor plates shall be submitted to the department on a form prescribed by the department. The applicant shall attach a copy of the official government document verifying receipt of the medal of honor.

401.8(2) Medal of Honor plates are limited to five characters. Personalized plates are not available.

761—401.9(321) Firefighter plates.

401.9(1) Initial application for firefighter plates. Application for firefighter plates shall be submitted to the department on a form prescribed by the department. Both the fire chief and another fire officer of the paid or volunteer fire department shall sign the application form, certifying that the applicant is a current or retired member of the fire department. The signatures must be original and notarized. If the fire chief and fire officer deny an application, the department may conduct an investigation and make a determination to approve or deny the application.

401.9(2) Renewal of firefighter plates for a current member. A new application is required in order to renew firefighter plates issued to a current member. The application shall be submitted to the county treasurer's office.

401.9(3) Renewal of firefighter plates for a retired member.

a. A new application is not required in order to renew firefighter plates issued to a retired member if the initial application for firefighter plates is made after January 1, 2005.

b. For firefighter plates issued to a retired member prior to January 1, 2005, a new application is required in order to renew firefighter plates until the plates have been renewed once after January 1, 2005. The application shall be submitted to the county treasurer's office.

401.9(4) Plates. Firefighter plates are limited to five characters. Personalized plates are not available.

401.9(5) Definitions. The following definitions apply to this rule:

"Current" means a member who has at least one year of service and is in good standing, as determined by the fire chief.

"Fire officer" means a member of the same fire department as the applicant and who is second in command to the fire chief.

"Retired" or *"officially retired"* means a former member who has a minimum of ten years' total service in good standing, as determined by the fire chief.

761—401.10(321) Emergency medical services plates.

401.10(1) Application for emergency medical services (EMS) plates shall be submitted to the department on a form prescribed by the department. The applicant and the applicant's service director shall sign the application form certifying that the applicant is a current member of a paid or volunteer emergency medical services agency. The signatures must be original and notarized. For purposes of this subrule, "service director" means a service director as defined in Iowa department of public health rule 641—132.1(147A).

401.10(2) A vehicle owner whose membership in a paid or volunteer emergency medical services agency is terminated shall within 30 days after termination surrender the EMS plates to the county treasurer in exchange for regular registration plates.

401.10(3) EMS plates are limited to five characters. Personalized plates are not available.
[ARC 0136C, IAB 5/30/12, effective 7/4/12]

761—401.11(321) Natural resources plates. Letter-number designated natural resources plates are limited to five characters. Personalized natural resources plates shall consist of no less than two nor more than five characters and shall be issued in accordance with subrule 401.6(2), paragraphs "a" to "d."

761—401.12(321) Natural resources plates—personalized. Rescinded IAB 11/23/05, effective 12/28/05.

761—401.13(321) Disabled veteran plates.

401.13(1) Disabled veteran plates are issued in accordance with Iowa Code sections 321.34, 321.105 and 321.166.

401.13(2) To apply for disabled veteran plates for a motor vehicle, the disabled veteran shall submit to the county treasurer a certification from the U.S. Department of Veterans Affairs that the United States government has provided or has assisted in providing the motor vehicle to the disabled veteran. The certification is required when the motor vehicle is first registered. Another certification may be required for the first registration of a newly acquired vehicle or when the veteran moves to another county.

401.13(3) The disabled veteran plates shall be surrendered to the county treasurer in exchange for regular registration plates within 30 days after the death of the disabled veteran. The motor vehicle to which the plates are assigned shall become subject to the payment of regular registration fees on the first day of the month following the death of the disabled veteran. The registration fees shall be prorated for the remaining unexpired months of the registration year.

761—401.14 Reserved.

761—401.15(321) Processed emblem application and approval process. Following is the application and approval process for special plate requests under Iowa Code subsection 321.34(13).

401.15(1) Application to request a new special registration plate with a processed emblem shall be submitted to the department on a form prescribed by the department.

401.15(2) The application shall contain:

- a. The applicant's name, address, and telephone number.
- b. The name of the processed emblem.
- c. A clear and concise explanation of the purpose of the special plate and all eligibility requirements.
- d. The total number of the special plates the applicant anticipates being purchased.

401.15(3) The application shall be accompanied by:

- a. A color copy of the processed emblem.
 - (1) The processed emblem shall be limited to 3" × 3½" on the registration plate, but the emblem submitted may be of a larger size.
 - (2) The processed emblem shall not have any sexual connotation, nor shall it be vulgar, prejudiced, hostile, insulting, or racially or ethnically degrading.
- b. A certification by the person who has legal rights to the emblem allowing use of the emblem. This certification shall also include a statement holding the department harmless for using the processed emblem on a registration plate.

401.15(4) The office of vehicle services may consult with other organizations, law enforcement authorities, and the general public concerning the processed emblem.

401.15(5) Within 60 days after receiving the application, the office of vehicle services shall advise the applicant of the department's approval or denial of the application. The department reserves the right to approve or disapprove any processed emblem.

401.15(6) If the department approves the application, the applicant shall be advised that 500 paid special plate applications must be submitted to the department before the new plate will be manufactured and issued. If 500 paid applications are not submitted within one year after the date the department approved the plate, the department may cancel its approval or grant an extension.

401.15(7) If the special plate is approved and at a later date it is determined that a false application was submitted, the department shall revoke the special plates. No refunds shall be paid.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—401.16(321) Special plates with processed emblems—general. Special registration plates with processed emblems are limited to five characters. Personalized special registration plates with processed emblems shall consist of no less than two nor more than five characters and shall be issued in accordance with subrule 401.6(2), paragraphs "a" to "d."

761—401.17(321) State agency-sponsored processed emblem plates.

401.17(1) *Application and approval process for a new plate.* A state agency recommending a new special registration plate with a processed emblem shall submit its request to the department on a form prescribed by the department. The application and approval process is set out in rule 761—401.15(321). The application shall include clear and concise eligibility requirements for plate applicants.

401.17(2) *Plate application.* Once new state agency-sponsored processed emblem plates have been approved, manufactured and issued, the plates may be ordered as described below.

- a. When the plates have no eligibility requirements:
 - (1) Application for letter-number designated plates shall be submitted to the county treasurer.
 - (2) Application for personalized plates shall be submitted to the department on a form prescribed by the department.
- b. When the plates have eligibility requirements, application for either letter-number designated or personalized plates shall be submitted to the sponsoring state agency for approval on a form prescribed by the department. The sponsoring state agency shall forward approved applications to the department.

401.17(3) *Characters.* State agency-sponsored processed emblem plates are limited to five characters. Personalized state agency-sponsored processed emblem plates shall consist of no less than

two nor more than five characters and shall be issued in accordance with subrule 401.6(2), paragraphs “a” to “d.”

401.17(4) *Renewal.* Rescinded IAB 11/23/05, effective 12/28/05.

401.17(5) *Reassignment.* Rescinded IAB 11/23/05, effective 12/28/05.

401.17(6) *Gift certificate.* Rescinded IAB 11/23/05, effective 12/28/05.

761—401.18(321) Combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, combat medical badge, fallen peace officers and civil war sesquicentennial plates. Following is the application and approval process for special plate requests under Iowa Code section 321.34 as amended by 2011 Iowa Acts, House File 651, section 2.

401.18(1) *Design.*

a. The plates shall be a standard background plate with a distinguishing processed emblem specific to each plate type, consistent with processed emblems approved pursuant to rule 761—401.15(321).

b. The distinguishing processed emblem shall be limited to 3" × 3½" on the registration plate.

c. A distinguishing processed emblem owned or subject to legal rights of another person will not be used unless the department receives certification from the person that allows use of the emblem. The certification must include a statement holding the department harmless for using the emblem on a registration plate.

d. The office of vehicle services may consult with other organizations, law enforcement authorities, and the general public concerning distinguishing processed emblems.

401.18(2) *Production.* None of the special registration plates subject to this rule will be manufactured or issued until 250 paid applications are submitted to the department. This minimum order requirement applies to each of the special registration plates subject to this rule. Each application must be accompanied by a statutory start-up fee.

401.18(3) *Discontinuance.* If 250 paid applications for any special registration plate subject to this rule are not submitted within one year after the date the department makes the plate available for application, the department shall report that fact to the legislature at the next regular session of the general assembly and request authority to discontinue the special registration plate.

401.18(4) *Application process.*

a. Applications for either letter-number designated or personalized combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, or combat medical badge special registration plates shall be submitted to the department on a form prescribed by the department. The applicant shall attach to the application a copy of an official government document verifying award of the combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal or combat medical badge to the applicant.

b. Applications for letter-number designated civil war sesquicentennial or fallen peace officers special registration plates shall be submitted to the county treasurer.

c. Applications for personalized civil war sesquicentennial or fallen peace officers special registration plates shall be submitted to the department on a form prescribed by the department.

401.18(5) *Characters.* Plates are limited to five characters. Personalized plates shall consist of no less than two nor more than five characters and shall be issued in accordance with subrule 401.6(2), paragraphs “a” to “d.”

401.18(6) *Right of approval.* The department reserves the right to approve or disapprove any application.

[ARC 9833B, IAB 11/2/11, effective 12/7/11]

761—401.19(321) Legion of Merit plates. Application for special plates with a Legion of Merit processed emblem shall be submitted to the department on a form prescribed by the department. The applicant shall attach a copy of the official government document verifying receipt of the Legion of Merit. Personalized plates with a Legion of Merit processed emblem are not available. Pursuant to Iowa Code section 321.34, an applicant is eligible for one set of Legion of Merit plates at a reduced

annual registration fee of \$15 for one vehicle owned. However, an applicant may obtain additional Legion of Merit plates upon payment of the regular annual registration fee.
[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—401.20(321) Persons with disabilities plates.

401.20(1) Application. Application for special plates with a persons with disabilities processed emblem shall be submitted to the county treasurer on a form prescribed by the department.

a. The application shall include a signed statement written on the physician's, chiropractor's, physician assistant's or advanced registered nurse practitioner's letterhead. The statement shall certify that the owner or the owner's child is a person with a disability, as defined in Iowa Code section 321L.1, and that the disability is permanent.

b. If the person with a disability is a child, the parent or guardian shall complete the proof of residency certification on the application or complete and submit a separate proof of residency Form 411120, certifying that the child resides with the owner.

c. A new application form is not required when an individual's application for issuance of persons with disabilities plates, disabled veteran plates, nonexpiring removable windshield placards or parking stickers has previously been approved.

d. In lieu of submitting the signed medical statement required under paragraph 401.20(1) "a," an individual who is eligible for disabled veteran plates but has not been issued them may submit certification from the U.S. Department of Veterans Affairs that the United States government has provided or assisted in providing a motor vehicle to the individual.

401.20(2) Definition.

"Child" includes, but is not limited to, stepchild, foster child, or legally adopted child who is younger than 18 years of age, or a dependent person 18 years of age or older who is unable to maintain the person's self.

401.20(3) Renewal. The owner shall, at renewal time, provide a self-certification stating that the owner or the owner's child is still a person with a disability and, if the person with a disability is the owner's child, that the child still resides with the owner.

[ARC 0136C, IAB 5/30/12, effective 7/4/12]

761—401.21(321) Ex-prisoner of war plates.

401.21(1) Application for special plates with an ex-prisoner of war processed emblem shall be submitted to the department on a form prescribed by the department. The applicant shall attach a copy of an official government document verifying that the applicant was a prisoner of war. If the document is not available, a person who has knowledge that the applicant was a prisoner of war shall sign a statement to that effect on the application form.

401.21(2) The surviving spouse of a person who was issued ex-prisoner of war plates may continue to use or apply for the plates. If the surviving spouse remarries, the surviving spouse shall surrender the plates to the county treasurer in exchange for regular registration plates within 30 days after the date on the marriage certificate. Ex-prisoner of war plates may not be reissued once this event occurs.

401.21(3) Personalized plates with an ex-prisoner of war processed emblem are not available.

761—401.22(321) National guard plates. Application for special plates with a national guard processed emblem shall be submitted to the department on a form prescribed by the department. The unit commander of the applicant shall sign the application form confirming that the applicant is a member of the Iowa national guard.

761—401.23(321) Pearl Harbor plates. Application for special plates with a Pearl Harbor processed emblem shall be submitted to the department on a form prescribed by the department. The applicant shall attach a copy of an official government document verifying that the applicant was stationed at Pearl Harbor, Hawaii, as a member of the armed forces on December 7, 1941.

761—401.24(321) Purple Heart, Silver Star and Bronze Star plates. Application for special plates with a Purple Heart, Silver Star, or Bronze Star processed emblem shall be submitted to the department on a form prescribed by the department. To verify receipt of the medal, the applicant shall attach a copy of one of the following:

1. The official military order confirming the medal.
2. The report of discharge or federal Form DD214.
3. Other documentation approved by the Iowa office of the adjutant general.

761—401.25(321) U.S. armed forces retired plates. Application for special plates with a United States armed forces retired processed emblem shall be submitted to the department on a form prescribed by the department. A person is considered to be retired if the person is recognized by the United States armed forces as retired from the United States armed forces. To verify retirement from the United States armed forces, the applicant shall attach a copy of one of the following:

1. The official military order confirming retirement from the armed forces.
2. The report of discharge or federal Form DD214.
3. Other documentation approved by the Iowa office of the adjutant general.

761—401.26 Reserved.

761—401.27(321) Iowa heritage plates. Rescinded IAB 11/23/05, effective 12/28/05.

761—401.28(321) Education plates. Rescinded IAB 11/23/05, effective 12/28/05.

761—401.29(321) Love our kids plates. Rescinded IAB 11/23/05, effective 12/28/05.

761—401.30(321) Motorcycle rider education plates. Rescinded IAB 11/23/05, effective 12/28/05.

761—401.31(321) Veteran plates. Application for special plates with a veteran processed emblem shall be submitted to the commission of veterans affairs on a form prescribed by the department of transportation. The commission of veterans affairs shall determine whether the applicant is a veteran and, if so, certify this fact on the application form.

761—401.32(321) Surrender of plates. Special registration plates issued to a person who is no longer eligible for the plates shall be surrendered to the county treasurer in exchange for regular registration plates within 30 days after the date of the event that made the person ineligible. If the vehicle was exempt from the payment of regular registration fees due to the type of special registration plates issued, the vehicle shall become subject to the payment of regular registration fees on the first day of the month following the date of the event that made the person ineligible. The regular registration fees shall be prorated for the remaining unexpired months of the registration year.

761—401.33(321) Validation fees. Validation fees shall not be prorated. The annual validation fee is due when there is a change in registration month.

761—401.34(321) Reassignment of plates.

401.34(1) A vehicle owner or lessee who has special registration plates assigned to a currently registered vehicle may request that the plates be reassigned to another currently registered vehicle owned or leased by that person or owned or leased by another person. However, special registration plates that have eligibility requirements may not be reassigned to a vehicle owned or leased by another person.

401.34(2) To reassign plates to a vehicle owned or leased by another person, a written request for reassignment signed by both the assignor and assignee shall be submitted to the county treasurer of the assignee's county of residence. The special registration plates shall be issued to the assignee by the

county treasurer of the assignee's county of residence in exchange for the registration plates previously issued.

401.34(3) When ownership of a vehicle is transferred to another person, the owner shall, within 30 days after the transfer, either surrender the special registration plates to the county treasurer or request reassignment of the plates, as explained in subrules 401.34(1) and 401.34(2).

401.34(4) When the lease for a vehicle is terminated, the lessee shall, within 30 days after the termination, either surrender the special registration plates to the county treasurer or request reassignment of the plates, as explained in subrules 401.34(1) and 401.34(2).

761—401.35(321) Revocation of special registration plates. Special registration plates shall be revoked if they have been issued in conflict with the statutes or rules governing the plates' issuance. Revoked plates shall be surrendered to the department within 30 days of the date of revocation.

761—401.36(321) Refund of fees. No refund of fees for special registration plates shall be allowed unless the special plates were issued in conflict with the statutes or rules governing their issuance.

These rules are intended to implement Iowa Code sections 35A.11 as amended by 2011 Iowa Acts, House File 651, section 1, 321.34 as amended by 2011 Iowa Acts, House File 651, section 2, 321.105, 321.166 and 321L.1.

[Filed 2/8/95, Notice 1/4/95—published 3/1/95, effective 4/5/95]

[Filed 11/25/97, Notice 10/8/97—published 12/17/97, effective 1/21/98]

[Filed 12/16/98, Notice 11/4/98—published 1/13/99, effective 2/17/99]

[Filed 3/10/99, Notice 1/13/99—published 4/7/99, effective 5/12/99]

[Filed 10/14/99, Notice 9/8/99—published 11/3/99, effective 12/8/99]

[Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]

[Filed 7/13/04, Notice 5/12/04—published 8/4/04, effective 9/8/04]

[Filed 11/2/05, Notice 9/14/05—published 11/23/05, effective 12/28/05]

[Filed 10/11/07, Notice 8/15/07—published 11/7/07, effective 12/12/07]

[Filed ARC 9048B (Notice ARC 8869B, IAB 6/30/10), IAB 9/8/10, effective 10/13/10]

[Filed ARC 9833B (Notice ARC 9742B, IAB 9/7/11), IAB 11/2/11, effective 12/7/11]

[Filed ARC 0136C (Notice ARC 0068C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

CHAPTER 405 SALVAGE

761—405.1(321) Applicability. This chapter supplements 761—Chapter 400. It applies to salvage motor vehicles and foreign motor vehicles brought into Iowa that are or were salvage, rebuilt or junked. This chapter applies only to motor vehicles subject to registration except that owners of vehicles with a gross vehicle weight rating of 30,000 pounds or more are not required to submit a salvage theft examination certificate to convert a salvage title to a regular title.

761—405.2(321) Definitions.

“Authorized vehicle recycler” means a person licensed under Iowa Code chapter 321H.

“Iowa salvage title” means an Iowa salvage certificate of title.

“Junking certificate” means an Iowa junking certificate.

“New motor vehicle dealer” means a dealer licensed under Iowa Code chapter 322 to sell new motor vehicles.

“Previous owner” as used in Iowa Code section 321.24 means the last titled owner.

“Regular foreign title” means a certificate of title issued by a foreign jurisdiction that allows the vehicle to be driven or moved upon a highway.

“Regular Iowa title” means an Iowa certificate of title that is not a salvage title.

761—405.3(321) Salvage title.

405.3(1) Face of title. Except for vehicles with a gross vehicle weight rating of 30,000 pounds or more, the following shall be stamped in red ink on the face of an Iowa salvage title: SALVAGE—CANNOT BE REGISTERED WITHOUT A SALVAGE THEFT EXAMINATION CERTIFICATE OR AN INSURER’S CERTIFICATION.

405.3(2) Assignment. An Iowa or a foreign salvage title may be assigned only as provided in Iowa Code subsection 321.52(4). Except as provided in subrule 405.3(3), the transferee to whom an Iowa or a foreign salvage title is assigned shall apply for a new Iowa salvage title within 30 days after the date of assignment unless, within this time period, application for a regular title is made or a junking certificate is obtained.

405.3(3) Reassignment. Reassignment of an Iowa or a foreign salvage title by a licensed new motor vehicle dealer or by an authorized vehicle recycler is allowed, and the dealer or recycler is not required to obtain a new Iowa salvage title upon assignment of an Iowa or a foreign salvage title to the dealer or recycler, provided a vacant reassignment space is available on the title. If all reassignment spaces on an Iowa or a foreign salvage title assigned to the dealer or recycler have been used, the dealer or recycler shall obtain a new Iowa salvage title in accordance with subrule 405.3(2). The following shall be stamped on the dealer reassignment portion of Iowa salvage titles: ONLY NEW MOTOR VEHICLE DEALERS OR RECYCLERS MAY REASSIGN THIS TITLE.

405.3(4) Registration fees.

a. An Iowa salvage title may be obtained without payment of the current registration fees or any delinquent registration fees or registration penalties. If the registration fees are delinquent at the time of issuance of an Iowa salvage title, no additional penalty shall accrue after issuance.

b. Any registration fees or registration penalties due at the time of issuance of an Iowa salvage title, together with the current registration fees if not already paid, shall be paid upon issuance of a regular title. However, a dealer is not required to pay current registration fees to obtain a regular title for a vehicle held for resale or trade. See rule 761—400.27(321,322) for any exceptions.

405.3(5) Plates. Registration plates shall not be assigned when an Iowa salvage title is issued.
[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—405.4 and 405.5 Reserved.

761—405.6(321) Iowa salvage title required.

405.6(1) *Wrecked or salvage vehicle.* A vehicle rebuilder or a person engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered in this state upon acquisition of a wrecked or salvage vehicle shall obtain an Iowa salvage title or a junking certificate for the vehicle except as provided in subrule 405.3(3).

a. A wrecked or salvage vehicle is a damaged motor vehicle that:

- (1) Has repair costs exceeding 50 percent of its fair market value before it became damaged, and
- (2) Had a fair market value of \$500 or more before it became damaged.

b. Fair market value is the average retail value found in the National Automobile Dealers Association (NADA) Official Used Car Guide. If there is no value available, the office of vehicle services shall determine the fair market value upon request. The address is: Office of Vehicle Services, Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278.

405.6(2) *Insurer.* An insurer upon acquisition of a motor vehicle as a result of a settlement with the motor vehicle owner arising out of damage to or unrecovered theft of the motor vehicle shall obtain an Iowa salvage title for the motor vehicle.

405.6(3) *Application.* Application for an Iowa salvage title shall be made within 30 days after the date of assignment to the transferee.

761—405.7(321) Converting salvage title to regular title.

405.7(1) *General application procedure.*

a. To obtain a regular title, the owner in whose name the salvage title is issued or assigned shall pay the appropriate fees and surrender the following when applying for the regular title:

- (1) The salvage title.
- (2) The salvage theft examination certificate issued in the applicant's name. However, a salvage theft examination certificate is not required if the vehicle has a gross vehicle weight rating of 30,000 pounds or more. See rule 761—405.15(321) for salvage theft examination.

b. A regular title and registration receipt issued pursuant to this subrule shall bear the designation "prior salvage."

405.7(2) *Insurer's certification.* An insurer who has title pursuant to Iowa Code subsection 321.52(4) may submit an insurer's certification in lieu of a salvage theft examination certificate.

a. The insurer's certification shall:

- (1) Include the name and address of the insurance company and the VIN, year and make of the salvage titled vehicle.
- (2) Include a statement by the insurer certifying that the retail cost of repairs for all damages to the vehicle is less than \$3000.
- (3) Be dated and signed by an authorized representative of the insurer.

b. The insurer's certification is not transferable if the insurer assigns the salvage title to another person.

c. A regular title and registration receipt issued pursuant to this subrule is not required to have a designation of "prior salvage." However, the title and registration receipt shall bear any designation to be carried forward, as explained in rule 761—405.10(321).

761—405.8(321) Foreign vehicles.

405.8(1) *Definitions.* The following definitions apply to foreign titles and the designations shown on them.

"Junked" means the vehicle is damaged or dismantled and is prohibited from ever again being driven upon a highway.

"Rebuilt" means the vehicle had been designated as salvage but had the designation removed, and the vehicle is permitted to be driven and moved upon a highway. Also, a designation of "salvage" on a regular foreign title means that the vehicle is rebuilt.

"Salvage" means the vehicle is damaged and shall not be registered to be driven or moved upon a highway until it is no longer designated as salvage.

405.8(2) Foreign title with rebuilt designation. If the prior title for a vehicle is a foreign title indicating that the vehicle was rebuilt, the Iowa title and registration receipt issued from the foreign title shall contain the designation of “rebuilt” together with the two-letter abbreviation of the name of the jurisdiction that issued the foreign title.

EXCEPTION: If a records check indicates that the vehicle was previously titled in Iowa with a designation of “prior salvage,” the prior salvage designation takes precedence and shall be carried forward to the Iowa title and registration receipt.

405.8(3) Converting foreign salvage title to Iowa title. If the prior title for a vehicle is a foreign title indicating that the vehicle is salvage, a regular Iowa title shall not be issued for the vehicle unless an Iowa salvage title is first issued. After an Iowa salvage title is issued for the vehicle, a regular Iowa title may be obtained pursuant to rule 761—405.7(321).

EXCEPTION: As provided in subrule 405.3(3), a licensed new motor vehicle dealer or an authorized vehicle recycler is not required to obtain an Iowa salvage title upon assignment of a foreign salvage title to the dealer or recycler, provided a vacant reassignment space is available on the title.

405.8(4) Salvage titled vehicle leaving and reentering Iowa. If a vehicle leaves Iowa with an Iowa salvage title and reenters Iowa with a regular foreign title, a regular Iowa title may be issued without a salvage theft examination. The regular Iowa title and registration receipt issued from the foreign title will be designated:

- a. “Prior salvage” if the foreign title does not indicate that the vehicle was rebuilt.
- b. As specified in subrule 405.8(2) if the foreign title indicates that the vehicle was rebuilt.

405.8(5) Designation carried forward. If a vehicle leaves Iowa with a regular Iowa title and reenters Iowa with a regular foreign title, the foreign title does not indicate that the vehicle was rebuilt and a records check indicates that the vehicle had a designation listed in paragraphs 405.10(1) “a” to “e,” that designation shall be carried forward to the Iowa title and registration receipt issued from the foreign title.

405.8(6) Foreign title with flood, fire, vandalism or theft designation. If the prior title for a vehicle is a foreign title indicating that the vehicle was damaged by flood, fire or vandalism or is a recovered stolen vehicle and another designation is not required under this rule or rule 761—405.10(321), the Iowa title and registration receipt issued from the foreign title shall contain, as applicable, the designation of “flood,” “fire,” “vandalism” or “theft.”

405.8(7) Foreign title with a lemon buy-back designation. See rule 761—405.10(321).

405.8(8) Junking certificate.

- a. An Iowa junking certificate shall be issued if:

- (1) The prior title for a vehicle is a foreign title indicating that the vehicle was junked, regardless of any other designation on the title.

- (2) A records check for a vehicle with a foreign title indicates that the vehicle had previously been issued an Iowa junking certificate.

- b. This subrule applies to all vehicles subject to Iowa titling laws.

761—405.9(321) Records check. Before a title is issued in Iowa, a computer records check may be made. The purpose of the records check is to:

405.9(1) Determine if the vehicle ever had or should have had a “prior salvage,” “rebuilt,” “damage over 50 percent,” “flood,” “fire,” “vandalism,” “theft,” “lemon buy-back,” or equivalent designation(s) on a previous title. If such a designation is or should have been on a previous title, the Iowa title to be issued shall contain the designation required by this chapter.

405.9(2) Determine if the vehicle is or was ever a wrecked or salvage vehicle as defined in Iowa Code section 321.52. If a vehicle is a wrecked or salvage vehicle, an Iowa salvage title shall be issued. If the vehicle was a wrecked or salvage vehicle, the Iowa title to be issued shall contain the appropriate designation required by this chapter.

405.9(3) Determine if the vehicle should have been or was ever junked as defined in subrule 405.8(1). If the vehicle should have been or was ever junked, an Iowa junking certificate shall be issued.

761—405.10(321) Designations.

405.10(1) The following designations for a vehicle shall be used on Iowa titles and registrations receipts and shall be carried forward to all subsequent Iowa titles and registration receipts issued for the vehicle, unless otherwise specified:

a. Prior salvage. This designation supersedes other designations. When a designation of “prior salvage” is required pursuant to rule 761—405.7(321), it replaces any other designation.

b. Rebuilt together with a two-letter abbreviation of the name of a foreign jurisdiction. When this designation is required pursuant to subrule 405.8(2), it replaces any other designation except a “prior salvage” designation.

c. Damage over 50 percent. As required by Iowa Code section 321.69, a designation of “damage over 50 percent” shall be used when the seller or the buyer indicates on the damage disclosure statement that the person has knowledge that the motor vehicle sustained damage for which the cost of the repair exceeded 50 percent of the fair market value before the motor vehicle became damaged. This designation replaces any other designation except “prior salvage” or “rebuilt.”

d. Flood, fire, vandalism or theft. The most recent designation applies. Unless superseded by a “prior salvage,” “rebuilt,” or “damage over 50 percent” designation, a designation of “flood,” “fire,” “vandalism” or “theft” shall be used as specified in subrule 405.8(6) and supersedes a “lemon buy-back” designation.

e. Lemon buy-back. Unless superseded by a “prior salvage,” “rebuilt,” “damage over 50 percent,” “flood,” “fire,” “vandalism” or “theft” designation, a designation of “lemon buy-back” shall be used:

(1) When a certificate of title is issued to a manufacturer of a motor vehicle pursuant to Iowa Code section 322G.12.

(2) When the prior certificate of title for a motor vehicle is a foreign title indicating that the vehicle was returned to the manufacturer pursuant to Iowa Code chapter 322G or a law of another state similar to Iowa Code chapter 322G.

405.10(2) An Iowa salvage title will be issued with a designation of “salvage” unless a designation listed in subrule 405.10(1) is required.

761—405.11 to 405.14 Reserved.

761—405.15(321) Salvage theft examination. Except for foreign salvage titles assigned to licensed new motor vehicle dealers or authorized vehicle recyclers, a salvage theft examination may only be conducted on a vehicle with an Iowa salvage title. The vehicle shall not be examined until it has been completely repaired, except for minor body parts such as trim, body marking or paint.

405.15(1) General procedure.

a. A salvage theft examination shall be conducted by a peace officer who has been specially certified, and recertified when required, by the Iowa law enforcement academy to perform salvage theft examinations.

(1) To arrange for a salvage theft examination by an investigator from the department of transportation, the applicant shall contact the office of motor vehicle enforcement. The address is: Office of Motor Vehicle Enforcement, Department of Transportation, P.O. Box 10473, Des Moines, Iowa 50306-0473.

(2) To arrange for a salvage theft examination by any other authorized peace officer, the applicant shall contact the local law enforcement agency for instructions.

b. The owner of the vehicle may drive the vehicle to and from the examination location by completing the permit section located on the affidavit of salvage vehicle repairs form.

(1) The affidavit shall state that the vehicle is reasonably safe for operation and shall list the parts that have been replaced on the vehicle. The affidavit must be signed by the owner or the owner’s authorized agent.

(2) To be valid, the permit to drive the vehicle to and from the examination location must be signed by the owner or owner’s authorized agent.

c. The owner of the vehicle must be present for the examination or certify, on the affidavit of salvage vehicle repairs, the name of the person who will be representing the owner at the examination.

d. The owner or owner's representative, when appearing with the vehicle for the examination, shall submit to the peace officer for review the salvage title or a certified copy of the salvage title; the affidavit of salvage vehicle repairs; and, pursuant to subrules 405.15(3) and 405.15(4), bills of sale for all component parts replaced.

e. A \$30 fee paid by check or money order made payable to the agency conducting the salvage theft examination shall be collected. The agency shall retain \$20 and forward \$10 to the office of vehicle services at the Des Moines address. The department shall deposit the \$10 into the funds specified by law.

f. If the vehicle passes the salvage theft examination, the peace officer shall complete a salvage theft examination certificate on a form prescribed by the department. The form shall be distributed as follows:

(1) The white copy shall be mailed with the \$10 to the office of vehicle services at the Des Moines address.

(2) The canary copy shall be given to the owner or the owner's representative. This copy must be surrendered when applying for title.

(3) The pink copy shall be retained by the examining officer for three years for verification purposes.

g. Reserved.

h. The peace officer shall return the salvage title or the certified copy of the salvage title, the permit to drive section, if applicable, on the affidavit of salvage vehicle repairs, and the bills of sale to the owner or the owner's representative.

405.15(2) *Affidavit of salvage vehicle repairs form and salvage theft examination certificate.*

a. The affidavit of salvage vehicle repairs form may be obtained from the office of motor vehicle enforcement at the Des Moines address, any local enforcement agency with officers certified to conduct salvage theft examinations or any local county treasurer's office.

b. The salvage theft examination certificate shall be a controlled form and furnished by the department.

c. The owner of the vehicle may obtain a duplicate copy of the salvage theft examination certificate upon written request to the issuing officer or agency.

d. The salvage theft examination certificate is not transferable.

405.15(3) *Bill of sale.* A bill of sale is a document from the seller to the buyer containing the name, address and telephone number of the seller, a description and identification number of the component part and, if applicable, the vehicle identification number (VIN) of the vehicle from which it was removed.

405.15(4) *Component part.* For salvage theft examinations, the definition of component part as found in Iowa Code section 321.1 shall apply.

[ARC 0136C, IAB 5/30/12, effective 7/4/12]

These rules are intended to implement Iowa Code sections 321.24, 321.52, 321.69 and 322G.12.

[Filed emergency 6/22/88—published 7/13/88, effective 7/1/88]

[Filed 10/10/88, Notice 7/13/88—published 11/2/88, effective 12/7/88]

[Filed emergency 11/30/89—published 12/27/89, effective 12/1/89]

[Filed 1/15/92, Notice 12/11/91—published 2/5/92, effective 3/11/92]

[Filed emergency 3/26/92—published 4/15/92, effective 4/29/92]

[Filed 1/14/93, Notice 12/9/92—published 2/3/93, effective 3/10/93]

[Filed 11/29/95, Notice 10/25/95—published 12/20/95, effective 1/24/96]

[Filed 7/18/01, Notice 5/30/01—published 8/8/01, effective 9/12/01]

[Filed 12/19/01, Notice 11/14/01—published 1/23/02, effective 2/27/02]

[Filed 10/11/07, Notice 8/15/07—published 11/7/07, effective 12/12/07]

[Filed ARC 9048B (Notice ARC 8869B, IAB 6/30/10), IAB 9/8/10, effective 10/13/10]

[Filed ARC 0136C (Notice ARC 0068C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

CHAPTER 425
MOTOR VEHICLE AND TRAVEL TRAILER DEALERS,
MANUFACTURERS, DISTRIBUTORS AND WHOLESALERS
[Prior to 7/17/96, see 761—Chapters 420 and 422]

761—425.1(322) Introduction.

425.1(1) This chapter applies to the licensing of motor vehicle and travel trailer dealers, manufacturers, distributors and wholesalers. Also included in this chapter are the criteria for the issuance and use of dealer plates.

425.1(2) The office of vehicle services administers this chapter. The mailing address is: Office of Vehicle Services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278.

a. Applications required by the chapter shall be submitted to the office of vehicle services.

b. Information about dealer plates and the licensing of motor vehicles and travel trailer dealers, manufacturers, distributors and wholesalers is available from the office of vehicle services or on the department's Web site at <http://www.iowadot.gov/mvd>.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—425.2 Reserved.

761—425.3(322) Definitions. The following definitions, in addition to those found in Iowa Code sections 322.2 and 322C.2, apply to this chapter of rules:

"Certificate of title" means a document issued by the appropriate official which contains a statement of the owner's title, the name and address of the owner, a description of the vehicle, a statement of all security interests, and additional information required under the laws or rules of the jurisdiction in which the document was issued, and which is recognized as a matter of law as a document evidencing ownership of the vehicle described. The terms "title certificate," "title only" and "title" shall be synonymous with the term "certificate of title."

"Consumer use" means use of a motor vehicle or travel trailer for business or pleasure, not for sale at retail, by a person who has obtained a certificate of title and has registered the vehicle under Iowa Code chapter 321.

"Dealer," unless otherwise specified, means a person who is licensed to engage in this state in the business of selling motor vehicles or travel trailers at retail under Iowa Code chapter 322 or 322C.

"Engage in this state in the business" or similar wording means doing any of the following acts for the purpose of selling motor vehicles or travel trailers at retail: to acquire, sell, exchange, hold, offer, display, broker, accept on consignment or conduct a retail auction, or to act as an agent for the purpose of doing any of these acts. A person selling at retail more than six motor vehicles or six travel trailers during a 12-month period may be presumed to be engaged in the business. See rule 761—425.20(322) for provisions regarding fleet sales and retail auction sales.

"Manufacturer's certificate of origin" means a certification signed by the manufacturer, distributor or importer that the vehicle described has been transferred to the person or dealer named, and that the transfer is the first transfer of the vehicle in ordinary trade and commerce. The terms "manufacturer's statement," "importer's statement or certificate," "MSO" and "MCO" shall be synonymous with the term "manufacturer's certificate of origin." See rule 761—400.1(321) for more information.

"Principal place of business" means a building actually occupied where the public and the department may contact the owner or operator during regular business hours. In lieu of a building, a travel trailer dealer may use a manufactured or mobile home as an office if taxes are current or a travel trailer as an office if registration fees are current.

"Registered dealer" means a dealer licensed under Iowa Code chapter 322 or 322C who possesses a current dealer certificate under Iowa Code section 321.59.

"Regular business hours" means to be consistently open to the public on a weekly basis at hours reported to the office of vehicle services. Except as provided in Iowa Code section 322.36, regular business hours for a motor vehicle or travel trailer dealer shall include a minimum of 32 posted hours between 7 a.m. and 9 p.m., Monday through Friday.

“*Salesperson*” means a person employed by a motor vehicle or travel trailer dealer for the purpose of buying or selling vehicles.

“*Vehicle*,” unless otherwise specified, means a motor vehicle or travel trailer.

“*Wholesaler*” means a person who sells new vehicles to dealers and not at retail.

This rule is intended to implement Iowa Code chapters 322 and 322C.

[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 0136C, IAB 5/30/12, effective 7/4/12]

761—425.4 to 425.9 Reserved.

761—425.10(322) Application for dealer’s license.

425.10(1) *Application forms.* To apply for a license as a motor vehicle or travel trailer dealer, the applicant shall complete an application on forms prescribed by the department.

425.10(2) *Surety bond.*

a. The applicant shall obtain a surety bond in the following amounts and file the original with the office of vehicle services:

(1) For a motor vehicle dealer’s license, \$50,000.

(2) For a travel trailer dealer’s license, \$25,000. However, an applicant for a travel trailer dealer’s license is not required to file a bond if the person is licensed as a motor vehicle dealer under the same name and at the same principal place of business.

b. The surety bond shall provide for notice to the office of vehicle services at least 30 days before cancellation.

c. The office of vehicle services shall notify the bonding company of any conviction of the dealer for a violation of dealer laws.

d. If the bond is canceled, the office of vehicle services shall notify the dealer by first-class mail that the dealer’s license shall be revoked on the same date that the bond is canceled unless the bond is reinstated or a new bond is filed.

e. If an applicant whose dealer’s license was revoked pursuant to paragraph “*d*” establishes that the applicant obtained a reinstated or new bond meeting the requirements of subrule 425.10(2) that was effective on or before the date of cancellation, but due to mistake or inadvertence failed to file the original bond with the office of vehicle services, the applicant may file the original of the reinstated or new bond. Upon filing, the department will rescind the revocation of the dealer’s license.

425.10(3) *Franchise.*

a. An applicant who intends to sell new motor vehicles or travel trailers shall submit to the office of vehicle services a copy of a signed franchise agreement with the manufacturer or distributor of each make the applicant intends to sell.

b. If a signed franchise agreement is not available at the time of application, the department may accept written evidence of a franchise which includes all of the following:

(1) The name and address of the applicant and the manufacturer or distributor.

(2) The make of motor vehicle or travel trailer that the applicant is authorized to sell.

(3) The applicant’s area of responsibility as stipulated in the franchise and certified on a form prescribed by the department.

(4) The signature of the manufacturer or distributor.

425.10(4) *Corporate applicants.* If the applicant is a corporation, the applicant shall certify on the application that the corporation complies with all applicable state requirements for incorporation.

425.10(5) *Principal place of business.* The applicant shall maintain a principal place of business, which must be staffed during regular business hours. See rules 761—425.12(322) and 761—425.14(322) for further requirements.

425.10(6) *Zoning.* The applicant shall provide to the office of vehicle services written evidence, issued by the office responsible for the enforcement of zoning ordinances in the city or county where the applicant’s business is located, which states that the applicant’s principal place of business and any extensions comply with all applicable zoning provisions or are a legal nonconforming use.

425.10(7) *Separate licenses required.*

a. A separate license is required for each city or township in which an applicant for a motor vehicle dealer's license maintains a place of business.

b. A separate license is required for each county in which an applicant for a travel trailer dealer's license maintains a place of business.

425.10(8) *Financial liability.* The applicant for a motor vehicle dealer's license shall certify on the application that the applicant has the required financial liability coverage in the limits as set forth in Iowa Code subsection 322.4(1). It is the applicant's responsibility to ensure the required financial liability coverage is continuous with no lapse in coverage as long as the applicant maintains a valid dealer's license.

425.10(9) *Ownership information.*

a. If the owner of the business is an individual, the application shall include the legal name, bona fide address, and telephone number of the individual. If the owner is a partnership, the application shall include the legal name, bona fide address, and telephone number of two partners. If the owner is a corporation, the application shall include the legal name, bona fide address, and telephone number of two corporate officers. In all cases, the telephone number must be a number where the individual, partner, or corporate officer can be reached during normal business hours.

b. The application shall include the federal employer identification number of the business. However, if the business is owned by an individual who is not required to have a federal employer identification number, the application shall include the individual's social security number, Iowa nonoperator's identification number or Iowa driver's license number.

425.10(10) Reserved.

425.10(11) *Verification of compliance.* The department shall verify the applicant's compliance with all statutory and regulatory dealer licensing requirements.

This rule is intended to implement Iowa Code sections 322.1 to 322.15 and 322C.1 to 322C.6.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—425.11 Reserved.

761—425.12(322) Motor vehicle dealer's place of business.

425.12(1) *Verification of compliance.* Before a motor vehicle dealer's license is issued, an investigator from the department shall physically inspect an applicant's principal place of business to verify compliance with this rule.

425.12(2) *Telephone service and office area.* A motor vehicle dealer's principal place of business shall include telephone service and an adequate office area, separate from other facilities, for keeping business records, manufacturers' certificates of origin, certificates of title or other evidence of ownership for all motor vehicles offered for sale. Telephone service must be a land line and not cellular phone service. Evidence of ownership may include a copy of an original document if the original document is held by a lienholder.

425.12(3) *Facility for displaying motor vehicles.* A motor vehicle dealer's principal place of business shall include a suitable space reserved for display purposes where motor vehicles may be viewed by prospective buyers. The facility shall be:

a. Within a building. EXCEPTION: For used motor vehicle dealers and for dealers selling new trucks or motor homes exclusively, the display facility may be an outdoor area with an all-weather surface. An all-weather surface does not include grass or exposed soil.

b. Of a minimum size.

(1) For display of motorcycles and motorized bicycles, the minimum size of the display facility is 10 feet by 15 feet.

(2) For display of other motor vehicles, the minimum size of the display facility is 18 feet by 30 feet.

425.12(4) Facility for reconditioning and repairing motor vehicles. A motor vehicle dealer's principal place of business shall include a facility for reconditioning and repairing motor vehicles. The facility shall be an area that:

- a. Is equipped to repair and recondition one or more motor vehicles of a type sold by the dealer.
 - b. Is within a building.
 - c. Has adequate access.
 - d. Is separated from the display and office areas by solid, floor-to-ceiling walls and solid, full-length doors.
 - e. Is of a minimum size.
- (1) The minimum size facility for motorcycles and motorized bicycles is an unobstructed rectangular area measuring 10 feet by 15 feet.
- (2) The minimum size facility for other types of motor vehicles is an unobstructed rectangular area measuring 14 feet by 24 feet.

425.12(5) Motor vehicle dealer who is also a recycler. If a motor vehicle dealer also does business as a recycler, there shall be separate parking for motor vehicles being offered for sale at retail from motor vehicles that are salvage.

This rule is intended to implement Iowa Code sections 322.1 to 322.15.
[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—425.13 Reserved.

761—425.14(322) Travel trailer dealer's place of business.

425.14(1) Telephone service and office area. A travel trailer dealer's principal place of business shall include telephone service and an adequate office area, separate from other facilities, for keeping business records, manufacturers' certificates of origin, certificates of title or other evidence of ownership for all travel trailers offered for sale. Telephone service must be a land line and not cellular phone service. Evidence of ownership may include a copy of an original document if the original document is held by a lienholder.

425.14(2) Facility for displaying travel trailers. A travel trailer dealer's principal place of business shall include a space of sufficient size to permit the display of one or more travel trailers. The display facility may be an indoor area or an outdoor area with an all-weather surface. An all-weather surface does not include grass or exposed soil. If an outdoor display facility is maintained, it may be used only to display, recondition or repair travel trailers or to park vehicles.

425.14(3) Facility for repairing and reconditioning travel trailers. A travel trailer dealer's principal place of business shall include a facility for reconditioning and repairing travel trailers. The facility:

- a. Shall be equipped and of sufficient size to repair and recondition one or more travel trailers of a type sold by the dealer.
- b. Shall have adequate access.
- c. May be an indoor area or an outdoor area with an all-weather surface. An all-weather surface does not include grass or exposed soil.
- d. May occupy the same area as the display facility.

425.14(4) Travel trailer dealer also licensed as a motor vehicle dealer. If a travel trailer dealer is also licensed as a motor vehicle dealer under the same name and at the same principal place of business, separate facilities for displaying, repairing and reconditioning travel trailers are not required.

This rule is intended to implement Iowa Code sections 322C.1 to 322C.6.

761—425.15 and 425.16 Reserved.

761—425.17(322) Extension lot license. Extension lots of motor vehicle and travel trailer dealers must be licensed. Application to license an extension lot shall be made on a form prescribed by the department.

425.17(1) For a motor vehicle dealer, an extension lot is a car lot for the sale of motor vehicles that is located within the same city or township as, but is not adjacent to, the motor vehicle dealer's principal place of business.

425.17(2) For a travel trailer dealer, an extension lot is a travel trailer lot for the sale of travel trailers that is located within the same county as, but is not adjacent to, the travel trailer dealer's principal place of business.

425.17(3) An extension lot must be owned or leased by the dealer.

425.17(4) Parcels of property are adjacent if the parcels are owned or leased by the dealer and the parcels are either adjoining or are separated only by an alley, street or highway that is not a fully controlled access facility.

This rule is intended to implement Iowa Code sections 322.1 to 322.15 and 322C.1 to 322C.6.

761—425.18(322) Supplemental statement of changes. A motor vehicle dealer shall file a written statement with the office of vehicle services at least ten days before any change of name, location, hours, or method or plan of doing business. A license is not valid until the changes listed in the statement have been approved by the office of vehicle services.

This rule is intended to implement Iowa Code sections 322.1 to 322.15.

761—425.19 Reserved.

761—425.20(322) Fleet vehicle sales and retail auction sales.

425.20(1) Fleet sales. Any person who has acquired vehicles for consumer use in a business shall obtain the appropriate dealer's license when more than six vehicles are offered for sale at retail in a 12-month period.

425.20(2) Retail auction sales. Any person who sells at public auction more than six vehicles in a 12-month period shall obtain the appropriate dealer's license. All certificates of title for the vehicles offered for sale at public auction shall be duly assigned to the dealer.

425.20(3) Place of business. A dealer's license issued under this rule does not require a place of business.

425.20(4) Exceptions.

a. The state of Iowa, counties, cities and other governmental subdivisions are not required to obtain a dealer's license to sell their vehicles at retail.

b. This rule does not apply to a vehicle owner, or to an auctioneer representing the owner, selling vehicles at a retail auction if the vehicles were acquired by the owner for consumer use, the vehicles are incidental to the auction, and only one owner's vehicles are sold.

This rule is intended to implement Iowa Code sections 322.1 to 322.15 and 322C.1 to 322C.6.

761—425.21 to 425.23 Reserved.

761—425.24(322) Miscellaneous requirements.

425.24(1) The department shall not issue a license under Iowa Code chapter 322 or 322C to any other person at a principal place of business of a person currently licensed under Iowa Code chapter 322 or 322C.

425.24(2) A motor vehicle or travel trailer dealer shall not represent or advertise the dealership under any name or style other than the name which appears on the dealer's license.

425.24(3) Other business activities are allowed at a place of business of a dealer, but those activities shall not include the sale of firearms, dangerous weapons as defined in Iowa Code section 702.7, or alcoholic beverages as defined in Iowa Code subsection 123.3(4).

This rule is intended to implement Iowa Code sections 322.1 to 322.15 and 322C.1 to 322C.6.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—425.25 Reserved.

761—425.26(322) Fairs, shows and exhibitions.

425.26(1) Definitions. As used in this rule:

“Display” means having new motor vehicles or new travel trailers available for public viewing at fairs, vehicle shows or vehicle exhibitions. The dealer may also post, display or provide product information through literature or other descriptive media. However, the product information shall not include prices, except for the manufacturer’s sticker price. *“Display”* does not mean offering new vehicles for sale or negotiating sales of new vehicles.

“Fair” means a county fair or a scheduled gathering for a predetermined period of time at a specific location for the exhibition, display or sale of various wares, products, equipment, produce or livestock, but not solely new vehicles, and sponsored by a person other than a single dealer.

“Offer” new vehicles *“for sale,” “negotiate sales”* of new vehicles, or similar wording, means doing any of the following at a fair, show or exhibition: posting prices in addition to the manufacturer’s sticker price, discussing prices or trade-ins, arranging for payments or financing, and initiating contracts.

“Vehicle exhibition” means a scheduled event conducted at a specific location where various types, makes or models of new vehicles are displayed either at the same time or consecutively in time, and sponsored by a person other than a single dealer.

“Vehicle show” means a scheduled event conducted for a predetermined period of time at a specific location for the purpose of displaying at the same time various types, makes or models of new vehicles, which may be in conjunction with other events or displays, and sponsored by a person other than a single dealer.

425.26(2) Permits for motor vehicle dealers.

a. A “display only” fair, show or exhibition permit allows a motor vehicle dealer to display new motor vehicles at a specified fair, vehicle show or vehicle exhibition in any Iowa county. The permit is valid on Sundays.

b. A “full” fair, show or exhibition permit allows a motor vehicle dealer to display and offer new motor vehicles for sale and negotiate sales of new motor vehicles at a specified fair, vehicle show or vehicle exhibition that is held in the same county as the motor vehicle dealer’s principal place of business. EXCEPTION: A motor vehicle dealer who is licensed to sell motor homes may be issued a permit to offer for sale Class “A” and Class “C” motor homes at a specified fair, show or exhibition in any Iowa county. A “full” fair, show or exhibition permit is not valid on Sundays.

c. The following restrictions are applicable to both types of permits:

(1) Permits will be issued to motor vehicle dealers only for fairs, vehicle shows or vehicle exhibitions where more than one motor vehicle dealer may participate.

(2) A permit is limited to the line makes for which the motor vehicle dealer is licensed in Iowa.

425.26(3) Reserved.

425.26(4) Permits for travel trailer dealers. A fair, show or exhibition permit allows a travel trailer dealer to display and offer new travel trailers for sale and negotiate sales of new travel trailers at a specified fair, vehicle show, or vehicle exhibition in any Iowa county.

a. The permit is valid on Sundays.

b. The permit is limited to the line makes for which the travel trailer dealer is licensed in Iowa.

c. A travel trailer dealer who does not have a permit may display vehicles at fairs, vehicle shows and vehicle exhibitions.

425.26(5) Permit application. A motor vehicle or travel trailer dealer shall apply for a fair, show or exhibition permit on an application form prescribed by the department. The application shall include the dealer’s name, address and license number and the following information about the fair, show or exhibition: name, location, sponsor(s) and duration, including the opening and closing dates.

425.26(6) Display of permit. The motor vehicle or travel trailer dealer shall display the permit at the fair, show or exhibition in close proximity to the vehicles being exhibited.

425.26(7) Variance. Rescinded IAB 11/7/07, effective 12/12/07.

425.26(8) Display without permit. Rescinded IAB 7/10/02, effective 8/14/02.

This rule is intended to implement Iowa Code subsections 322.5(2) and 322C.3(9).

761—425.29(322) Classic car permit. A classic car permit allows a motor vehicle dealer to display and sell classic cars at a specified county fair, vehicle show or vehicle exhibition that is held in the same county as the motor vehicle dealer's principal place of business. "Classic car" is defined in Iowa Code subsection 322.5(3).

425.29(1) The permit period is the duration of the event, not to exceed five days. The permit is valid on Sundays. Only one permit may be issued to each motor vehicle dealer for an event. No more than three permits may be issued to a motor vehicle dealer in any one calendar year.

425.29(2) Application for a classic car permit shall be made on a form prescribed by the department. The application shall include the dealer's name, address and license number and the following information about the county fair, vehicle show or vehicle exhibition: name, location, sponsor(s) and duration, including the opening and closing dates.

425.29(3) The motor vehicle dealer shall display the permit in a prominent place at the location of the county fair, vehicle show or vehicle exhibition.

This rule is intended to implement Iowa Code subsection 322.5(3).

761—425.30(322) Motor truck display permit. Application for a permit under Iowa Code subsection 322.5(4) shall be made on a form prescribed by the department. The application shall include information or documentation showing that the nonresident motor vehicle dealer is eligible for issuance of a permit and that the event meets the statutory conditions for permit issuance.

This rule is intended to implement Iowa Code subsection 322.5(4).

761—425.31(322) Firefighting and rescue show permit.

425.31(1) Application for a firefighting and rescue show permit shall be made on a form prescribed by the department. The application shall include the name, address and license number of the applicant, the type of vehicles being displayed, and the following information about the vehicle show or exhibition: name, location, sponsor(s), and duration, including the opening and closing dates.

425.31(2) The permit is not valid on Sundays. Only one permit shall be issued to each licensee for an event.

425.31(3) The permit holder shall display the permit in a prominent place at the location of the vehicle show or exhibition.

This rule is intended to implement Iowa Code subsection 322.5(5).

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—425.32 to 425.39 Reserved.

761—425.40(322) Salespersons of dealers.

425.40(1) Every motor vehicle and travel trailer dealer shall:

a. Keep a current written record of all salespersons acting in its behalf. The record shall be open to inspection by any peace officer or any employee of the department.

b. Maintain a current record of authorized persons allowed to sign all documents required under Iowa Code chapter 321 for vehicle sales.

425.40(2) No person shall either directly or indirectly claim to represent a dealer unless the person is listed as a salesperson by that dealer.

This rule is intended to implement Iowa Code sections 322.3, 322.13, and 322C.4.

761—425.41 to 425.49 Reserved.

761—425.50(322) Manufacturers, distributors, and wholesalers. This rule applies to the licensing of manufacturers, distributors, and wholesalers of new motor vehicles and travel trailers.

425.50(1) Application for license. To apply for a license, the applicant shall complete an application form prescribed by the department. A list of the applicant's franchised dealers in Iowa and a sample copy of a completed manufacturer's certificate of origin that is issued by the firm shall accompany the

application. A distributor or wholesaler shall also provide a copy of written authorization from the manufacturer to act as its distributor or wholesaler.

425.50(2) Licensing requirements.

- a. Rescinded IAB 11/3/99, effective 12/8/99.
- b. New motor homes delivered to Iowa dealers must contain the systems and meet the standards specified in Iowa Code paragraph 321.1(36C) “d.”
- c. A licensee shall ensure that any new retail outlet is properly licensed as a dealer before any vehicles are delivered to the outlet.
- d. A licensee shall notify the office of vehicle services in writing at least ten days prior to any:
 - (1) Change in name, location or method of doing business, as shown on the license.
 - (2) Issuance of a franchise to a dealer in this state to sell new vehicles at retail.
 - (3) Rescinded IAB 11/3/99, effective 12/8/99.
 - (4) Change in the trade name of a travel trailer manufactured for delivery in this state.
- e. A licensee shall notify the office of vehicle services in writing at least ten days before any new make of vehicle is offered for sale at retail in this state.

This rule is intended to implement Iowa Code sections 322.27 to 322.30 and 322C.7 to 322C.9.

761—425.51(322) Factory or distributor representatives. Rescinded IAB 11/3/99, effective 12/8/99.

761—425.52(322) Used vehicle wholesalers. Rescinded IAB 11/7/07, effective 12/12/07.

761—425.53(322) Wholesaler’s financial liability coverage. A new motor vehicle wholesaler shall certify on the license application that it has the required financial liability coverage in the limits set forth in Iowa Code section 322.27A. It is the wholesaler’s responsibility to ensure that the required financial liability coverage is continuous with no lapse in coverage as long as the wholesaler maintains a valid wholesaler’s license.

This rule is intended to implement Iowa Code section 322.27A.

761—425.54 to 425.59 Reserved.

761—425.60(322) Right of inspection.

425.60(1) Peace officers have the authority to inspect vehicles or component parts of vehicles, business records, and manufacturers’ certificates of origin, certificates of title and other evidence of ownership for all vehicles offered for sale.

425.60(2) The department has the right at any time to verify compliance of a person licensed under Iowa Code chapter 322 or 322C or issued a certificate under Iowa Code section 321.59 with all statutory and regulatory requirements.

This rule is intended to implement Iowa Code sections 321.62, 321.95, 322.13, and 322C.1.

761—425.61 Reserved.

761—425.62(322) Denial, suspension or revocation.

425.62(1) The department may deny an application or suspend or revoke a certificate or license if the applicant, certificate holder or licensee fails to comply with the applicable provisions of this chapter of rules, Iowa Code sections 321.57 to 321.63 or Iowa Code chapter 322 or 322C.

425.62(2) The department may deny a dealer’s application for a fair, show or exhibition permit for a period not to exceed six months if the dealer fails to comply with the applicable provisions of rule 761—425.26(322) or Iowa Code subsection 322.5(2) or 322C.3(9).

425.62(3) The department may deny a motor vehicle dealer’s application for a demonstration permit for a period not to exceed six months if the dealer fails to comply with rule 761—425.72(321).

425.62(4) The department shall send notice by certified mail to a person whose certificate, license or permit is to be revoked, suspended, canceled or denied. The notice shall be mailed to the person’s mailing address as shown on departmental records or, if the person is currently licensed, to the principal

place of business, and shall become effective 20 days from the date mailed. A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision in accordance with 761—Chapter 13. The request shall be submitted in writing to the director of the office of vehicle services at the address in subrule 425.1(2). The request shall be deemed timely submitted if it is delivered or postmarked on or before the effective date specified in the notice of revocation, suspension, cancellation or denial.

This rule is intended to implement Iowa Code chapter 17A and sections 321.57 to 321.63, 322.6, 322.9, 322.31, and 322C.6.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—425.63 to 425.69 Reserved.

761—425.70(321) Dealer plates.

425.70(1) Definition. The definitions of “dealer” and “vehicle” in Iowa Code section 321.1 apply to this rule.

425.70(2) Persons who may be issued dealer plates. Dealer plates as provided in Iowa Code sections 321.57 to 321.63 may be issued to:

- a. Licensed motor vehicle dealers.
- b. Licensed travel trailer dealers.
- c. A person engaged in the business of buying, selling or exchanging trailer-type vehicles subject to registration under Iowa Code chapter 321, other than travel trailers, and who has an established place of business for such purpose in this state.
- d. Insurers selling vehicles of a type subject to registration under Iowa Code chapter 321 solely for the purpose of disposing of vehicles acquired as a result of a damage settlement or recovered stolen vehicles acquired as a result of a loss settlement. The plates shall display the words “limited use.”
- e. Persons selling vehicles of a type subject to registration under Iowa Code chapter 321 solely for the purpose of disposing of vehicles acquired or repossessed by them in exercise of powers or rights granted by lien or title-retention instruments or contracts given as security for loans or purchase money obligations, and who are not required to be licensed dealers. The plates shall display the words “limited use.”
- f. Persons engaged in the business of selling special equipment body units which have been or will be installed on motor vehicle chassis not owned by them, solely for the purpose of delivering, testing or demonstrating the special equipment body and the motor vehicle. The plates shall display the words “limited use.”
- g. A licensed manufacturer of ambulances, rescue vehicles or fire vehicles, solely for the purpose of transporting, demonstrating, showing or exhibiting the vehicles. The plates shall display the words “limited use.”
- h. A licensed wholesaler who is also licensed as a motor vehicle dealer as specified in paragraph 425.70(3)“e.”

425.70(3) Use of dealer plates.

- a. Dealer plates shall not be displayed on vehicles that are rented or loaned. However, a dealer plate may be displayed on a motor vehicle, other than a truck or truck tractor, loaned to a customer of a licensed motor vehicle dealer while the customer’s motor vehicle is being serviced or repaired by the dealer.
- b. Motor vehicles used by dealers, manufacturers or distributors to transport other vehicles shall be registered, except when being transported from the place of manufacturing, assembling or distribution to a dealer’s place of business.
- c. Saddle-mounted vehicles being transported shall display dealer plates.
- d. Dealer plates may be displayed on a trailer carrying a load, provided the truck or truck tractor towing the trailer is properly registered under Iowa Code section 321.122, except as provided in rule 761—425.72(321).

e. Dealer plates may be used by a dealer licensed as a wholesaler for a new motor vehicle model when operating a new motor vehicle of that model if the motor vehicle is owned by the wholesaler and is operated solely for the purpose of demonstration, show or exhibition.

This rule is intended to implement Iowa Code sections 321.57 to 321.63.

761—425.71 Reserved.

761—425.72(321) Demonstration permits.

425.72(1) Demonstration permits may be issued by motor vehicle dealers to permit the use of dealer plates for the purpose of demonstrating the load capabilities of motor trucks and truck tractors. A demonstration permit must be issued on a form prescribed by the department.

425.72(2) The dealer shall complete the permit. The information to be filled out includes, but is not limited to, the following:

- a.* Date of issuance by the dealer, date of expiration, and the specific dates for which the permit is valid. The expiration date shall be five days or less from the date of issuance.
- b.* Dealer's name, address and license number.
- c.* Name(s) of the prospective buyer(s) and all prospective drivers.
- d.* Route of the demonstration trip. The points of origin and destination shall be the dealership. The permit is not valid for a route outside Iowa.

e. The make, year and vehicle identification number of the motor vehicle being demonstrated.

425.72(3) The permit shall at all times be carried in the motor vehicle to which it refers and shall be shown to any peace officer upon request.

425.72(4) Only one demonstration permit per motor vehicle shall be issued for a prospective buyer.

425.72(5) The demonstration permit is valid only for a movement that does not exceed the legal length, width, height and weight restrictions. The permit is not valid for an overdimensional or overweight movement.

This rule is intended to implement Iowa Code sections 321.57 to 321.63.

[761—Chapter 420 appeared as Ch 10, Department of Public Safety, 1973 IDR]

[Filed 7/1/75]

[Filed 10/28/77, Notice 8/24/77—published 11/16/77, effective 12/21/77]

[Filed 11/22/77, Notice 10/5/77—published 12/14/77, effective 1/18/78]

[Filed 5/9/78, Notice 3/22/78—published 5/31/78, effective 7/5/78]

[Filed 10/10/78, Notice 8/23/78—published 11/1/78, effective 12/6/78]

[Filed 8/23/79, Notice 7/11/79—published 9/19/79, effective 10/24/79]

[Filed 2/14/80, Notice 12/26/79—published 3/5/80, effective 4/9/80]

[Filed 9/9/81, Notice 7/22/81—published 9/30/81, effective 11/4/81]

[Filed 1/28/82, Notice 12/9/81—published 2/17/82, effective 3/24/82]

[Filed 1/21/83, Notice 12/8/82—published 2/16/83, effective 3/23/83]

[Filed emergency 2/17/83—published 3/16/83, effective 3/23/83]

[Filed 9/4/85, Notice 7/17/85—published 9/25/85, effective 10/30/85]

[Filed emergency 10/23/86—published 11/19/86, effective 10/24/86]

[Filed 1/6/87, Notice 11/19/86—published 1/28/87, effective 3/4/87]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed 11/3/88, Notice 9/21/88—published 11/30/88, effective 1/4/89][◇]

[Filed emergency 11/30/89—published 12/27/89, effective 12/1/89]

[Filed 12/5/90, Notice 10/17/90—published 12/26/90, effective 1/30/91]

[Filed 1/15/92, Notice 12/11/91—published 2/5/92, effective 3/11/92]

[Filed 1/14/93, Notice 11/25/92—published 2/3/93, effective 3/10/93]

[Filed 12/16/93, Notice 11/10/93—published 1/5/94, effective 2/9/94]

[Filed 6/19/96, Notice 1/17/96—published 7/17/96, effective 8/21/96]

[Filed 3/5/97, Notice 1/29/97—published 3/26/97, effective 4/30/97]

[Filed 12/17/97, Notice 11/5/97—published 1/14/98, effective 2/18/98]

[Filed 10/14/99, Notice 9/8/99—published 11/3/99, effective 12/8/99]

[Filed 7/20/00, Notice 6/14/00—published 8/9/00, effective 9/13/00]

[Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]

[Filed 11/2/05, Notice 9/14/05—published 11/23/05, effective 12/28/05]

[Filed 10/11/07, Notice 8/15/07—published 11/7/07, effective 12/12/07]

[Filed ARC 9048B (Notice ARC 8869B, IAB 6/30/10), IAB 9/8/10, effective 10/13/10]

[Filed ARC 0136C (Notice ARC 0068C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

◊ Two or more ARCs

CHAPTER 431 VEHICLE RECYCLERS

[Prior to 6/3/87, Transportation Department[820]—(07,D)Ch 6]

761—431.1(321H) General.

431.1(1) Information. Information and blank forms relating to this chapter may be obtained from and completed forms shall be submitted to the Office of Vehicle Services, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278. Information and forms are also available on the department's Web site at <http://www.iowadot.gov/mvd>.

431.1(2) Definitions.

"Principal place of business" means a building actually occupied where the public and the department may contact the owner or operator during regular business hours.

"Regular business hours" means to be consistently open to the public on a weekly basis at hours reported to the office of vehicle services. Regular business hours shall include a minimum of 32 posted hours between 7 a.m. and 9 p.m., Monday through Friday.

This rule is intended to implement Iowa Code sections 321H.2 and 321H.4.
[ARC 9048B, IAB 9/8/10, effective 10/13/10; ARC 0136C, IAB 5/30/12, effective 7/4/12]

761—431.2(321H) Criteria for a vehicle recycler license.

431.2(1) General qualifications. Every authorized vehicle recycler shall:

- a. Maintain regular business hours and telephone service at the principal place of business which shall include separate and adequate office space for the recycler's business records. Telephone service must be a land line and not cellular phone service.
- b. Comply with local zoning laws.
- c. Comply with the provisions of Iowa Code chapter 306C, relating to the Iowa junkyard control law, when applicable.

431.2(2) Vehicle rebuilder qualifications. For every licensed location, a vehicle rebuilder must have:

- a. An unobstructed area inside a building for rebuilding and restoring vehicles. The inside measurement of the unobstructed area must be at least 14 feet by 24 feet.
- b. Sufficient storage for all vehicles in the rebuilder's inventory.
- c. Equipment necessary to perform rebuilding and restoring of vehicles in the inventory, such as frame-straightening equipment, a hydraulic jack, alignment and calibration equipment, and tools.

431.2(3) Used vehicle parts dealer qualifications. For every licensed location, a used vehicle parts dealer must have sufficient storage for the vehicle parts in the dealer's inventory.

431.2(4) Vehicle salvager qualifications. For every licensed location, a vehicle salvager must have:

- a. Sufficient storage for vehicles, vehicle parts, and vehicle bodies included in the salvager's inventory.
- b. Sufficient equipment necessary to perform dismantling, scrapping or storing of vehicles and vehicle parts in the inventory.

This rule is intended to implement Iowa Code section 321H.4.
[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—431.3(321H) Application. The application for a vehicle recycler's license shall be made on a form prescribed by the department.

431.3(1) The application shall include the name, bona fide business address, and telephone number under which the applicant will conduct business as an authorized vehicle recycler.

431.3(2) If the owner of the business is an individual, the application shall include the legal name, bona fide address, and telephone number of the individual. If the owner is a partnership, the application shall include the legal name, bona fide address, and telephone number of two partners. If the owner is a corporation, the application shall include the legal name, bona fide address, and telephone number of two corporate officers. In all cases, the telephone number must be a number where the individual, partner, or corporate officer can be reached during normal business hours.

431.3(3) The application shall include the federal employer identification number of the business. However, if the business is owned by an individual who is not required to have a federal employer identification number, the application shall include the individual's social security number, Iowa nonoperator's identification number or Iowa driver's license number.

431.3(4) The application shall include the address of any extension of the applicant's place of business.

431.3(5) The application shall indicate the type of business the applicant is engaged in and include the applicant's certification that it complies with the requirements for this type of business.

431.3(6) A letter issued by the office responsible for the enforcement of zoning ordinances in the city or county where the applicant's place of business is located must accompany the application. The letter shall state that the business complies with all applicable zoning provisions or is a legal nonconforming use. A compliance letter is also required for any extension of the applicant's place of business.

431.3(7) The application shall include a statement of the previous criminal history of the applicant. If the applicant is a corporation, the statement shall be required from each officer. If the applicant is a partnership, the statement shall be required from each partner.

This rule is intended to implement Iowa Code section 321H.4.

761—431.4(321H) Firm name. A recycler shall not represent or advertise the business under any name or style other than that which appears on the recycler's license.

This rule is intended to implement Iowa Code section 321H.4.

761—431.5(321H) Denial, suspension or revocation of license.

431.5(1) If an applicant fails to comply with rule 761—431.2(321H) or rule 761—431.3(321H), the department shall deny the application.

431.5(2) If a recycler fails to comply with any of the provisions of this chapter of rules, the department may suspend or revoke the recycler's license.

431.5(3) The department may deny, revoke or suspend a license for any of the reasons stated in Iowa Code section 321H.6.

431.5(4) A person who is aggrieved by a decision of the department and who is entitled to a hearing may contest the decision pursuant to 761—Chapter 13.

This rule is intended to implement Iowa Code chapter 17A and section 321H.6.

761—431.6(321) Right of inspection. Peace officers shall have the authority to inspect vehicles or component parts of vehicles and the records and documents required to be kept by a recycler.

This rule is intended to implement Iowa Code section 321.95.

[Filed 9/9/81, Notice 7/22/81—published 9/30/81, effective 11/4/81]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed emergency 6/22/88—published 7/13/88, effective 7/1/88]

[Filed emergency 11/30/89—published 12/27/89, effective 12/1/89]

[Filed 1/15/92, Notice 12/11/91—published 2/5/92, effective 3/11/92]

[Filed 1/14/93, Notice 11/25/92—published 2/3/93, effective 3/10/93]

[Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]

[Filed 10/11/07, Notice 8/15/07—published 11/7/07, effective 12/12/07]

[Filed ARC 9048B (Notice ARC 8869B, IAB 6/30/10), IAB 9/8/10, effective 10/13/10]

[Filed ARC 0136C (Notice ARC 0068C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

CHAPTER 450
MOTOR VEHICLE EQUIPMENT

[Appeared as Ch 1, Department of Public Safety, 1973 IDR; amended January 1975 IDR Supplement]
[Prior to 6/3/87, Transportation Department[820]—(07,E)Ch 1]

761—450.1(321) Safety standards for motor vehicle equipment. Rescinded IAB 7/10/02, effective 8/14/02.

761—450.2(321) Equipment requirements for specially constructed, reconstructed, street rod, and replica motor vehicles, other than motorcycles and motorized bicycles. The following standards are minimum requirements for constructing and equipping specially constructed, reconstructed, street rod, and replica motor vehicles other than motorcycles and motorized bicycles.

450.2(1) Definitions. The definitions in Iowa Code section 321.1 and rule 761—400.16(321) are hereby made part of this chapter.

450.2(2) Application. As outlined in rule 761—400.16(321), the applicant shall submit the required application forms and exhibits to the county treasurer. The vehicle and ownership documents shall be examined by the department. If the department determines that the motor vehicle complies with this rule, that the integral parts and components have been identified as to ownership, and that the application forms have been completed properly, the department shall assign an identification number to the vehicle and certify that the motor vehicle is eligible for titling and registration. If the frame or unibody specified on an application for a specially constructed, reconstructed, street rod, or replica motor vehicle is designated “not for highway use,” the application shall not be approved. The exchange of compatible body parts does not constitute a specially constructed, reconstructed, street rod, or replica motor vehicle. The removal, addition, or substitution of reconstructed motor vehicle parts modifies the vehicle’s external appearance so that it does not reflect the original make or manufacturer model for that model.

450.2(3) Defroster and defogging device. Every closed motor vehicle shall be equipped with a device capable of defogging or defrosting the windshield area.

450.2(4) Door latches. Every motor vehicle that is equipped with doors leading directly into a compartment that contains one or more seating accommodations shall be equipped with mechanically actuated door latches which firmly and automatically secure the door when pushed closed and which allow each door to be opened from the inside by the actuation of a convenient lever, handle or other nonelectric device. Interior handles must be visible.

450.2(5) Floor pan. Every motor vehicle shall be equipped with a floor pan under the entire passenger-carrying compartment. The floor pan shall support the weight of the number of occupants that the vehicle is designed to carry. The floor pan shall be so constructed that it prevents the entry of exhaust fumes.

450.2(6) Glazing.

a. Windshields. Every motor vehicle shall be equipped with a laminated safety glass windshield that complies with and bears the approval marking of the American National Standards Institute (ANSI) Z 26.1 Standard. The windshield shall be in such a position that it affords continuous horizontal frontal protection to the driver and front seat occupants. The minimum vertical height of the unobstructed windshield glass shall be 6 inches. This paragraph does not preclude the use of a windshield that can be folded down to a horizontal position, provided that the windshield can be firmly fastened in both the vertical and horizontal positions.

b. Side and rear glass. Side and rear glass is not required in motor vehicles. If present, however, this glass must be either laminated or tempered safety glass bearing the approval of the ANSI Z 26.1 Standard.

450.2(7) Driver visibility. Each motor vehicle shall provide the driver with a minimum outward horizontal vision capability of 90 degrees each side of a vertical plane passing through the fore and aft centerline of the vehicle. This plane of vision may be interrupted by window framing and windshield door support posts not exceeding 4 inches in width at each side location.

450.2(8) Hood latches. If a motor vehicle is equipped with a front-opening hood, that hood shall be equipped with a primary and secondary latching system to hold the hood in a closed position.

450.2(9) Instruments and controls. Each motor vehicle shall be equipped with:

- a. An operating speedometer calibrated to indicate “miles per hour.”
- b. An operating odometer calibrated to indicate “total miles driven.”
- c. A steering wheel circular or nearly circular in shape, having an outside diameter of not less than 13 inches.
- d. An accelerator control system that returns the engine throttle to an idle position automatically when the driver removes the actuating force from the accelerator control.

450.2(10) Brakes.

a. Every motor vehicle shall be equipped with brakes acting upon all wheels. The service brakes must be capable of meeting or exceeding the stopping requirements of Iowa Code section 321.431. If necessary, the braking system may be tested by a road test on a public roadway by an officer of the motor vehicle division of the department.

b. Every motor vehicle shall be equipped with a parking brake operating on at least two wheels applied with required effectiveness despite exhaustion of any source of energy or leakage of any kind in the service brake system. The parking brake shall meet the requirements of Iowa Code sections 321.430 and 321.431.

450.2(11) Rearview mirror. Every motor vehicle shall be equipped with two rearview mirrors, each having substantial unit magnification. One shall be mounted on the inside of the vehicle in such a position that it affords the driver a clear view to the rear. The other shall be mounted on the outside of the vehicle on the driver’s side in such a position that it affords the driver a clear view to the rear. When an inside mirror does not give a clear view to the rear, a right-hand outside mirror shall be required in lieu thereof. The mirror mounting shall provide a stable support for the mirror, and shall provide for mirror adjustment by tilting in both horizontal and vertical directions. Each mirror shall have a minimum of 10 square inches of reflective surface.

450.2(12) Seat belts. Every motor vehicle shall be equipped with at least a Type I (lap belt) seat belt for the driver and each passenger seating position. The belts at each location shall comply with DOT Motor Vehicle Safety Standard No. 209, and shall be firmly anchored to the vehicle body.

450.2(13) Seating. All bench-type and individual seats in motor vehicles shall be firmly anchored to structural components or body parts.

450.2(14) Fenders and mud flaps. Rescinded IAB 9/8/10, effective 10/13/10.

450.2(15) Bumpers. Rescinded IAB 9/8/10, effective 10/13/10.

450.2(16) Exhaust system. Every motor vehicle shall have an exhaust system meeting the following requirements:

a. The system shall be free of leaks, including the exhaust manifold (or headers), piping forward of the muffler, the muffler(s), and tail piping.

b. Exhaust fumes shall be emitted to the extremity of the vehicle, behind the rear wheels, or to the extremity of the vehicle within 6 inches in front of the rear wheels. Exhaust fumes from trucks, other than enclosed vans, may be emitted to the rear of that part of the vehicle designed for and normally used for carrying the driver and passengers.

c. Each exhaust system must be equipped with a muffler that prevents excessive noise.

d. No part of the exhaust system shall pass through any area of the vehicle that is used as a passenger-carrying compartment, and shall be so constructed that persons entering the vehicle cannot make contact with the exhaust system.

e. All exterior side exhaust pipes must be fully shielded and any vertical truck exhaust stacks shall be shielded to the top of the cab.

450.2(17) Frame. Every vehicle shall be equipped with a frame consisting of wall box tubing, round tubing, wall channel or unitized construction capable of supporting the vehicle, its load and the torque produced by the power source.

450.2(18) Fuel system. Every motor vehicle shall have a fuel system in which all components are securely fastened with fasteners designed for this purpose, including the tank, tubing, hoses, clamps, etc. The filler from the system shall be located in a position not within the passenger-carrying

compartment, and shall be capped. The system shall be leakproof, and fuel lines shall be positioned so as not to come in contact with high temperature surfaces or moving parts.

450.2(19) *Steering and suspension.*

- a. Every motor vehicle shall have no parts extending below the wheel rims in their lowest position, except for tires and electrical grounding devices designed for this purpose.
- b. The steering system shall remain unobstructed when turned from lock to lock.
- c. The steering wheel shall have no less than two turns and no more than six turns when turning the road wheels from lock to lock.
- d. While in a sharp turn at a speed between 5 and 15 MPH, release of the steering wheel shall result in a distinct tendency for the vehicle to increase its turning radius.
- e. No motor vehicle shall be constructed so that the weight on any axle is less than 20 percent of the gross weight of the vehicle and load.
- f. Motor vehicles shall be equipped with a damping device at each wheel location providing a minimum relative motion between the unsprung axle and the chassis of plus or minus 2 inches.
- g. When each corner of the vehicle is depressed and released the damping device shall stop vertical body motion within two cycles.
- h. There shall be no heating or welding on coil springs, leaf springs, or torsion bars.

450.2(20) *Tires.* Tires shall comply with Iowa Code section 321.440. Each tire shall have a load-bearing capacity in keeping with the size and weight of the vehicle.

450.2(21) *Lighting and electrical system.* Each motor vehicle shall be equipped with approved lighting devices in sufficient number, type, and locations to meet the requirements of Iowa Code sections 321.384 to 321.423, including headlamps, rear lamps, license plate lamp, rear reflectors, parking lamps, stop lamps, turn signals, and high-low beam indicator. In addition, every motor vehicle shall be equipped with:

- a. A driver-controlled switch capable of selecting high and low beams (dimmer switch).
- b. A motor vehicle more than 40 inches in width shall be equipped with turn signal lamps and have a manually operated switch controlled by the driver that shall cause the turn signal lamps to function. This switch shall be self-canceling.
- c. A horn that shall be electrically actuated, and shall emit a sound clearly audible from a distance of 200 feet. The horn shall be actuated with a switch easily accessible to the driver when operating the vehicle.
- d. All wiring shall be done in an orderly and workmanlike fashion, with no wiring in contact with high temperature surfaces or moving parts.
- e. Headlamps shall be in a plane that is perpendicular to a vertical plane through the longitudinal centerline of the vehicle. The headlamps shall be mounted not less than 24 inches, nor more than 54 inches, above the road surface when measured to the headlamp center.
- f. A tail lamp or lamps shall be mounted on the rear of the motor vehicle or vehicle, exhibiting a red light plainly visible from a distance of 500 feet to the rear. The tail lamp or lamps shall be mounted not less than 15 inches, nor more than 72 inches, above the roadway.
- g. All original lamps and lighting equipment provided on the motor vehicle by the manufacturer shall be maintained in working condition or shall be replaced with equivalent equipment.

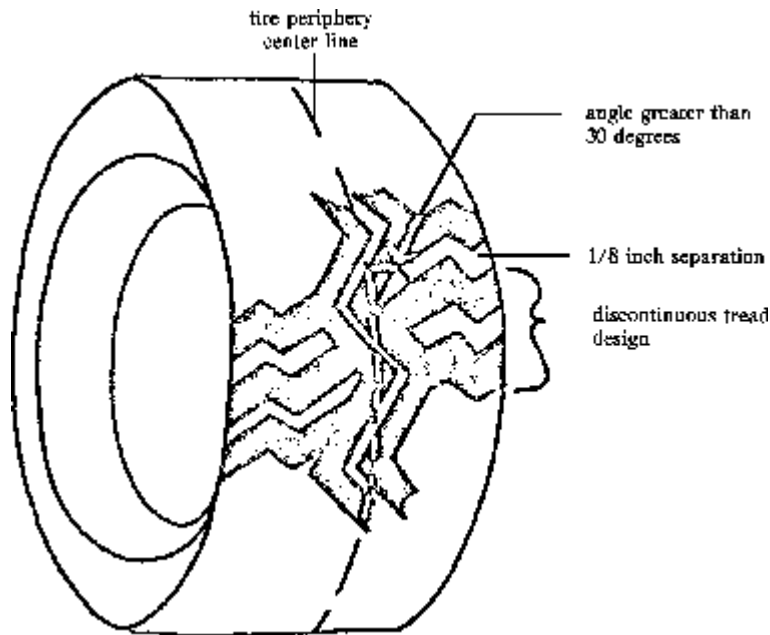
This rule is intended to implement Iowa Code section 321.23.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—450.3(321) Mud and snow tire. A mud and snow tire is a tire that is designed to provide additional starting, stopping and driving traction in mud and snow. The tread design shall have ribs, lugs, blocks or knobs which are discontinuous and have a minimum separation of one-eighth of an inch between the ribs, lugs, blocks or knobs. A substantial portion of the rib, lug, block or knob edge in the design of the tread shall be at an angle greater than 30 degrees to the periphery centerline. A mud and snow tire must comply with the tire restrictions expressed in Iowa Code section 321.440.

A tire labeled “Mud and Snow” or any contraction using the letters “M” and “S,” such as “MS,” “M/S,” “M-S” or “M & S” shall be considered a mud and snow tire.

A representation of the distinguishing features of a mud and snow tire is pictured below.



This rule is intended to implement Iowa Code subsection 321.236(12).

761—450.4(321) Minimum requirements for constructing and equipping specially constructed or reconstructed motorcycles or motorized bicycles. Minimum requirements for constructing and equipping specially constructed or reconstructed motorcycles or motorized bicycles as defined in Iowa Code section 321.1 are as follows:

450.4(1) Application. As outlined in rule 761—400.16(32), the applicant shall submit the required application forms and exhibits to the county treasurer. The vehicle and ownership documents shall be examined by the department. If the department determines that the motor vehicle complies with this rule, that the integral parts and components have been identified as to ownership, and that the application forms have been completed properly, the department shall assign an identification number to the vehicle and certify that the motor vehicle is eligible for titling and registration. If the frame specified on an application for a specially constructed or reconstructed motorcycle or motorized bicycle is designated “not for highway use,” the application shall not be approved. The exchange of compatible body parts does not constitute a specially constructed or reconstructed motorcycle or motorized bicycle. The removal, addition, or substitution of a reconstructed motorcycle or motorized bicycle part modifies the vehicle’s external appearance so that it does not reflect the original make or manufacturer model. EXEMPTION: The conversion of a manufactured motorcycle from two wheels to three-wheel operation by the addition or substitution of a bolt-on conversion kit shall not constitute a reconstructed motorcycle.

450.4(2) Upgrade pulls—minimum speed. No motor vehicle or combination of vehicles which cannot proceed up a 3 percent grade, on dry concrete pavement, at a minimum speed of 20 miles per hour, shall be operated upon the highways of this state.

450.4(3) Engine. Rescinded IAB 9/8/10, effective 10/13/10.

450.4(4) Frame/chassis. A motorcycle or motorized bicycle frame/chassis, including the suspension components and engine mountings, shall be of sufficient strength, capable of supporting the combined weight of all vehicle components and riders for which the vehicle was designed.

450.4(5) Front end assembly.

a. Trail (extended fork measured in inches). No reconstructed or specially constructed motorcycle or motorized bicycle shall have the front fork so extended as to place the center of the front wheel axle farther than 36 inches from a vertical plane through the steering axis.

b. Rake (extended fork measured in degrees). No reconstructed or specially constructed motorcycle or motorized bicycle shall have the front fork so extended as to exceed a 45-degree angle between the fork assembly and a vertical plane through the steering axis.

c. Extensions. No reconstructed or specially constructed motorcycle or motorized bicycle shall be equipped with extension slugs. However, one-piece extension tubes and springer units, if approved, are acceptable.

d. Wheelbase. No reconstructed or specially constructed motorcycle or motorized bicycle shall have an overall wheelbase, measured from the center of the front axle to the center of the rear axle, of less than 40 inches.

e. Motorcycle front end geometry. A representation of the front end geometry of a motorcycle is depicted in the Appendix to this rule.

450.4(6) Brakes. Every motorcycle and motorized bicycle shall be equipped with at least a rear brake. If the vehicle is also equipped with a front brake, all control cables, lines and hoses shall be located and secured so as not to become pinched between the fork and frame members when the wheel is turned completely to the left or right. Brake-actuating devices shall be in a readily accessible location, unencumbered by vehicle components. A suitable mechanism shall be provided for the purpose of automatically returning the actuating devices to a normal position upon release.

450.4(7) Tires, wheels, rims. Motorcycle tires shall be of pneumatic design with a minimum width of two and twenty-five hundredths inches and designed for highway use. Wheel rim diameters shall not be less than 10 inches and rims shall otherwise comply with applicable federal standards.

450.4(8) Steering and suspension.

a. Stability. Motorcycle or motorized bicycle steering and suspension shall provide the operator with the means of safely controlling vehicle direction.

b. Wheel alignment. The rear wheel of a two-wheel motorcycle or motorized bicycle shall track behind the front wheel within 1 inch with both wheels in a vertical plane when the vehicle is operating on a straight course. On a three-wheel motorcycle or motorized bicycle, the two wheels mounted on the rear axle shall have a wheel track distance not less than 30 inches and the midpoint of the rear wheel track distance shall be within 1 inch of the front wheel track when the vehicle is proceeding on a straight course.

c. Steering.

(1) The steering head shall be provided with a bearing or similar device that will allow the steering shaft to turn freely in rotational motion only. All handlebar-mounted control cables, wires, lines and hoses shall be located and secured so as not to become pinched between the fork and frame members when the wheel is turned completely to the right or the left.

(2) A steering wheel may be used on a three-wheel reconstructed or specially constructed motorcycle or motorized bicycle provided:

1. The steering wheel is circular or nearly circular in shape, having an outside diameter of not less than 13 inches.

2. The steering wheel shall have no less than two turns and no more than six turns when the road wheels are turned from lock to lock.

d. Handlebars. Handlebars shall be of sturdy construction, adequate in size (length) to provide proper leverage for steering, and capable of withstanding a minimum force of 100 pounds applied to each hand grip in any direction. The handlebars shall provide a minimum distance of 18 inches between grips after final assembly.

e. Hand grips. Motorcycles or motorized bicycles shall have handlebars equipped with hand grips of nonslip design or material.

f. Suspension. Motorcycles or motorized bicycles shall be equipped with a suspension system, and the suspension system shall be applicable to at least the front wheel. The suspension system(s) shall be designed for the purpose of maximum vehicle stability.

450.4(9) Fuel system. All fuel system components, including the tank, pump, tubing, hoses, clamps, etc., shall be securely fastened to the motorcycle or motorized bicycle so as not to interfere with vehicle operation and be leakproof when the vehicle is in its normal operating attitude. Fuel lines and tank shall be positioned in a manner so as to prevent their contact with the engine head, manifold, exhaust system, or other high temperature surfaces or moving components. The fuel system shall be adequately vented and provided with a fuel shutoff valve located between the fuel supply and the engine.

450.4(10) Exhaust system. Motorcycles or motorized bicycles with an internal combustion engine shall be equipped with an exhaust system incorporating a muffler or other mechanical device for the purpose of reducing engine noise. Cutouts and bypasses in the exhaust system are prohibited. The system shall be leakproof and all components shall be securely attached to the vehicle and located so as not to interfere with the operation of the motorcycle or motorized bicycle. Shielding shall be provided to prevent inadvertent contact with the exhaust system by the operator and/or passenger during normal operations.

450.4(11) Mirrors. Every motorcycle and motorized bicycle shall be equipped with at least one mirror of unit magnification, securely affixed to the handlebar and capable of adjustment within a range that will reflect an image that includes at least the horizon and the road surface to the rear of the motorcycle or motorized bicycle. The mirror shall consist of a minimum reflective surface of 10 square inches. All mirrors shall be regular in shape (circular, oval, rectangular, or square) and shall not contain sharp edges or projections capable of producing injury.

450.4(12) Fenders. Rescinded IAB 9/8/10, effective 10/13/10.

450.4(13) Seat or saddle. A seat or saddle securely attached to the vehicle shall be provided for the use of the operator. The seat or saddle shall not be less than 20 inches above a level road surface when measured to the lowest point on top of the seat or saddle cushion with the driver seated in a driving position. The seat or saddle adjustment locking device shall prevent relative movement of the seat from its selected and secured position under all normal vehicle operating conditions.

450.4(14) Horn. Every motorcycle and motorized bicycle shall be equipped with at least one horn. The horn shall be electrically operated and shall operate from a control device located on the handlebar. When operated the horn shall be audible for at least 200 feet.

450.4(15) Speedometer and odometer. Every motorcycle and motorized bicycle shall be equipped with a properly operating speedometer and odometer calibrated in miles per hour and miles respectively and shall be fully illuminated when the headlamp(s) is activated.

450.4(16) Lighting equipment. Every motorcycle and motorized bicycle shall be equipped with at least one headlamp but not more than two, mounted securely. Headlamp(s) shall be mounted not less than 24 inches, nor more than 54 inches, above the level road surface. A headlight beam indicator light shall be located within the operator's field of vision and illuminated automatically when the high beam of the headlamp is actuated. Every motorcycle and motorized bicycle shall be equipped with a tail and brake light assembly and a license plate light. All original lamps and lighting equipment provided on the motor vehicle by the manufacturer shall be maintained in working condition or shall be replaced with equivalent equipment.

450.4(17) Footrest. Every motorcycle shall be equipped with two footrests, one on each side of the vehicle and shall be provided for each designated seating position. Footrests shall be located so as to provide reasonable accessibility. Footrests shall be able to fold upward if they protrude beyond the side of the motorcycle's fixed items. Every motorized bicycle shall be equipped with either two footrests or two pedals, one on each side of the vehicle, to provide reasonable accessibility.

450.4(18) Highway bars. If a motorcycle or motorized bicycle is so equipped, highway bars (alternate footrests) shall be located at a maximum distance of 26 inches from the foot controls and shall not interfere with the operation of the foot controls.

This rule is intended to implement Iowa Code section 321.23.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

761—450.5(321) Rescinded IAB 3/26/97, effective 4/30/97.

761—450.6(321) Safety requirements for the movement of implements of husbandry on a roadway. The following standards are minimum safety requirements for the movement of implements of husbandry on a roadway.

450.6(1) Towing standard. No power unit operated by a retail seller or manufacturer shall tow more than one implement of husbandry from the manufacturer to the retail seller, from the retail seller to the farm purchaser, or from the manufacturer to the farm purchaser.

450.6(2) Equipment standards.

a. Braking. The towing unit or self-propelled implement of husbandry operated upon a highway shall be equipped with a braking device(s) which can control the movement of and stop the vehicle(s). When the vehicle is traveling 20 miles per hour, the braking device shall be adequate to stop the vehicle or vehicles within 30 feet if the gross weight is less than 5000 pounds and 50 feet if the gross weight is 5000 pounds or more.

b. Rearview mirror. The towing vehicle or self-propelled implement of husbandry shall be equipped with a rearview mirror that reflects to the operator a view of the highway for a distance of at least 200 feet to the rear of the vehicle(s). The rearview mirror equipment standard may be met by the use and installation of a temporary rearview mirror.

c. Lighting. The towing or towed vehicle or self-propelled implement of husbandry shall be equipped with at least one rear taillight which exhibits a red light plainly visible from a distance of 500 feet to the rear. The rear taillight equipment standard may be met by the use and installation of a temporary rear taillight. If an implement of husbandry is being towed by a vehicle which is equipped with brake lights, the towed unit must also have brake lights, constructed and located on the implement of husbandry so as to give a signal of intention to stop. The light shall be red or yellow in color. The signal shall be plainly visible in normal sunlight and at night from a distance of 100 feet to the rear and may be met by the use and installation of a temporary light.

d. Turn signal. The towing or towed vehicle or self-propelled implement of husbandry shall be equipped with a turn-signal device that operates in conjunction with or separately from the rear taillight. The signal shall be plainly visible and understandable from a distance of 100 feet to the rear. The turn-signal device equipment standard may be met by the use and installation of a temporary turn-signal device.

e. Tires. Pneumatic tires shall not be used if any part of the ply or cord is exposed; if there is any bump, bulge, or separation; if there is a tread design depth of less than one-sixteenth inch; if there is marking "not for highway use" or "unsafe for highway use."

f. Warning devices. A towing vehicle or self-propelled implement of husbandry shall be equipped with flares, red reflectors or reflective triangles if operated after sunset and before sunrise.

g. Drawbar. When one vehicle is towing another vehicle, the drawbar shall be of sufficient strength to pull the weight towed and shall be fastened to the frame of the towing unit so as to prevent sidesway. In addition to the principal connection there shall be a safety chain which shall be fastened so it is capable of holding the towed vehicle if the principal connection fails.

This rule is intended to implement Iowa Code section 321.383.

761—450.7(321) Front windshields, windows or sidewings.

450.7(1) Prohibition. Pursuant to Iowa Code subsection 321.438(2), a person shall not operate on the highway a motor vehicle equipped with a front windshield, a side window to the immediate right or left of the driver (front side window) or a sidewing forward of and to the left or right of the driver (front sidewing) which is excessively dark or reflective.

450.7(2) Standard of transparency. "Excessively dark or reflective" means that the windshield, front side window or front sidewing does not meet a minimum standard of transparency of 70 percent light transmittance.

450.7(3) *Dark window exemption.*

a. Effective July 4, 2012, no exemption shall be granted from the minimum standard of transparency set forth in subrule 450.7(2).

b. A motor vehicle fitted with a front windshield, a front side window or a front sidewing with less than 70 percent but not less than 35 percent light transmittance before July 4, 2012, may continue to be maintained and operated with a front windshield, a front side window or a front sidewing with less than 70 percent but not less than 35 percent light transmittance on or after July 4, 2012, so long as the vehicle continues to be used for the transport of a passenger or operator who obtained Form 432020, which documented a medical need for such reduced transparency, and was signed by the person's physician before July 4, 2012. Form 432020 must be carried at all times in the vehicle to which the exemption applies. At such time as the vehicle is no longer used for the transport of the passenger or operator who is the subject of Form 432020, the exemption expires and may not be renewed. The owner of the vehicle to which the exemption applied must return the vehicle to conformance with the minimum standard of transparency set forth in subrule 450.7(2) within 60 days of expiration of the exemption.

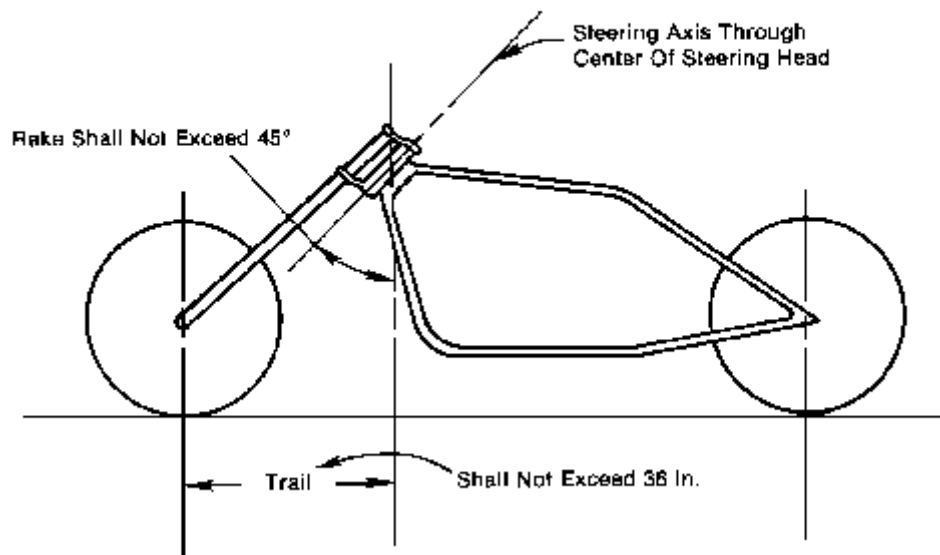
c. "Physician" as used in this rule means a person licensed under Iowa Code chapter 148, 151 or 154.

This rule is intended to implement Iowa Code section 321.438.

[ARC 0136C, IAB 5/30/12, effective 7/4/12]

APPENDIX TO RULE
761—450.2(321)
Rescinded IAB 9/8/10, effective 10/13/10

APPENDIX TO RULE
761—450.4(321)
MOTORCYCLE FRONT END GEOMETRY



[Filed 6/30/61; amended 6/14/72, 12/9/74;
Transferred to Department of Transportation 7/1/75]
[Emergency amendment filed 10/10/75—published 10/20/75, effective 11/1/75]
[Filed 3/17/76, Notice 1/26/76—published 4/5/76, effective 5/10/76]
[Filed 10/26/79, Notice 9/5/79—published 11/14/79, effective 12/19/79]
[Filed 1/28/82, Notice 12/9/81—published 2/17/82, effective 3/24/82]
[Filed 9/8/83, Notice 7/20/83—published 9/28/83, effective 11/2/83]
[Filed 12/23/83, Notice 11/9/83—published 1/18/84, effective 2/22/84]
[Filed 1/9/85, Notice 11/21/84—published 1/30/85, effective 3/6/85]
[Filed 2/7/86, Notice 12/18/85—published 2/26/86, effective 4/2/86]
[Filed emergency 6/20/86—published 7/16/86, effective 7/1/86]
[Filed 8/29/86, Notice 7/16/86—published 9/24/86, effective 10/29/86]
[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]
[Filed emergency 3/30/88—published 4/20/88, effective 4/1/88]
[Filed 6/22/88, Notice 4/20/88—published 7/13/88, effective 8/17/88]
[Filed 11/3/88, Notice 9/21/88—published 11/30/88, effective 1/4/89]
[Filed emergency 11/30/89—published 12/27/89, effective 12/1/89]
[Filed emergency 8/8/90—published 9/5/90, effective 8/10/90]
[Filed 11/7/90, Notice 9/5/90—published 11/28/90, effective 1/2/91]
[Filed 12/18/92, Notice 10/28/92—published 1/6/93, effective 2/10/93]
[Filed 12/16/93, Notice 11/10/93—published 1/5/94, effective 2/9/94]
[Filed 11/29/95, Notice 10/25/95—published 12/20/95, effective 1/24/96]
[Filed 3/5/97, Notice 1/29/97—published 3/26/97, effective 4/30/97]
[Filed 10/28/98, Notice 8/26/98—published 11/18/98, effective 12/23/98]

[Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]

[Filed ARC 9048B (Notice ARC 8869B, IAB 6/30/10), IAB 9/8/10, effective 10/13/10]

[Filed ARC 0136C (Notice ARC 0068C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

CHAPTER 511
SPECIAL PERMITS FOR OPERATION AND MOVEMENT OF
VEHICLES AND LOADS OF EXCESS SIZE AND WEIGHT

[Appeared as Ch 2, Highway Commission, 1973 IDR; amended in July 1974 and January and July 1975 Supplements]

[Previously numbered as (07,E) Ch 12, transferred at the request of the department on 10/8/75]

[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 2]

761—511.1(321E) Definitions. As used in this chapter, unless the context otherwise requires:

“*Department*” means the Iowa department of transportation.

“*Dimensions*” or “*size*” means length, width or height limits.

“*Overdimensional*” or “*oversize*” means the exceeding of statutory length, width or height limits.

“*Permit*” means a permit issued under Iowa Code chapter 321E for the movement of an overdimensional or overweight vehicle, combination of vehicles, or vehicle with load. The term includes any additions or supplements thereto issued by the permit-issuing authority.

“*Permit-issuing authority*” means the:

1. Department’s office of motor carrier services for permits for movement on the primary system.
2. Authority responsible for the maintenance of a nonprimary system of highways or streets for permits for movement on that system. However, the office of motor carrier services may issue single-trip permits on primary road extensions in cities in conjunction with movement on the rural primary road system.

“*Primary roads*” or “*primary road system*” is defined in Iowa Code section 306.3. The primary road system includes the interstate road system.

“*Special or emergency situation*” means one or more of the following:

1. Circumstances where the movement is necessary to cooperate with cities, counties, other state agencies or other states in response to a national or other disaster.
2. Circumstances where the movement is necessary to cooperate with national defense officials.
3. Circumstances where the movement is necessary to cooperate with public or private utilities in order to maintain their public services.
4. Circumstances where the movement is essential to ensure safety and protection of any person or property due to an event such as, but not limited to, pollution of natural resources, a potential fire or an explosion.
5. Circumstances where weather or transportation problems create an undue hardship for citizens of the state of Iowa.
6. Circumstances where the movement involves emergency-type vehicles.
7. Uncommon or extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazards to the safety of the traveling public or undue damage to private or public property.
8. Other unique circumstances that warrant the issuance of a permit as determined by the permit-issuing authority.

“*Statutory*” when used with size or weight limits refers to those limits found in Iowa Code chapter 321.

“*Sufficient shoulder width*” means a gravel or paved surface extending a minimum of six feet beyond the edge of the roadway.

This rule is intended to implement Iowa Code sections 321E.9, 321E.15, 321E.27, 321E.29 and 321E.34.

761—511.2(321E) Location and general information.

511.2(1) Applications, forms, instructions and restrictions are available by mail from the Office of Motor Carrier Services, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3264; or by facsimile at (515)237-3257. Permits may be obtained electronically upon making application to the office of motor carrier services.

511.2(2) No overdimensional or overweight vehicle, combination of vehicles, or vehicle with load shall be moved on the highways of this state without permit except as provided in Iowa Code section 321.453.

511.2(3) Rescinded IAB 2/7/01, effective 3/14/01.

511.2(4) Except as provided in subrule 511.7(6) and rule 511.13(321,321E), permits may be issued only for the transporting of a single article which exceeds statutory size or weight limits or both, and which cannot reasonably be divided or reduced to statutory size and weight limits. However, permits may be issued for the transporting of property consisting of more than one article when:

- a. The statutory weight limits are not exceeded,
- b. One of the articles exceeds the statutory size limits, and
- c. The inclusion of other articles does not cause the statutory size limits to be exceeded by an additional amount.

511.2(5) Nothing in the permit shall be construed as waiving any load limits which have been or which might be established on any bridge or any road which is posted with embargo signs, unless specifically stated on the permit.

511.2(6) The state of Iowa, the department, and any other permit-issuing authority assume no responsibility for the property of the permit holder. Permit holders shall hold permit-issuing authorities harmless of any damages that may be sustained by the traveling public, adjacent property owners or the highways of this state on account of movements made under permit.

This rule is intended to implement Iowa Code sections 17A.3 and 321E.1.

761—511.3(321E) Movement under permit.

511.3(1) During the movement of a vehicle or object under permit, the permit holder shall comply with the terms and conditions of the permit and shall take all reasonable precautions to protect and safeguard the lives and property of the traveling public and adjacent property owners.

511.3(2) Movement shall be made only when roads are clear of ice and snow and visibility is at least one-quarter mile.

511.3(3) Movement shall be permitted only during the hours from one-half hour before sunrise to one-half hour after sunset unless it is established by the permit-issuing authority that the movement can be better accomplished at another period of time because of traffic volume conditions.

511.3(4) Except as provided in Iowa Code section 321.457, no movement shall be permitted on the holidays of Memorial Day, Independence Day and Labor Day, after 12 noon on days preceding these holidays and holiday weekends, during holiday weekends, or during special events when abnormally high traffic volumes can be expected. A holiday weekend occurs when the holiday falls on Friday, Saturday, Sunday or Monday. No movement shall be permitted until one-half hour before sunrise on the day after the holiday or holiday weekend.

511.3(5) The permit shall be carried in the cab of the vehicle for which it has been issued and shall be available for inspection at all times.

511.3(6) Vehicles and loads under permit shall be open to inspection by any peace officer or any authorized agent of any permit-issuing authority.

511.3(7) Continuous moves. Vehicles and loads may travel by permit between one-half hour after sunset and one-half hour before sunrise if, in addition to the general provisions and general requirements specified by the permit, the following conditions are met.

- a. Dimensions shall not exceed:
 - (1) Width. 11 feet.
 - (2) Height. 14 feet, 4 inches.
 - (3) Length. 100 feet.
 - (4) Weight. Legal axle limits.
- b. Travel must be on roadways with a minimum width of 22 feet and minimum lane width of 11 feet.

c. Safety lighting shall be provided at the widest part of a load. The lamps may be placed at the outer ends of the load itself or on appurtenances which are equal in width to the widest part of the load and positioned at both the extreme front and rear of the vehicle or trailer as follows:

- (1) One lighted red lamp on each side at the rear of the load.
- (2) One lighted yellow or amber lamp on each side at the front of the load.

This rule is intended to implement Iowa Code sections 321E.1 and 321E.11.

761—511.4(321E) Permits. Permits issued shall be in writing and may be either single-trip, multitrip, annual, annual oversize/overweight or all-systems permits.

511.4(1) Methods of issuance.

a. Permits for movement on the primary road system may be obtained in person, by facsimile, wire service, electronic communication, or by mail at the address in subrule 511.2(1).

b. Reserved.

511.4(2) Forms.

a. Applications for permits for movement on the primary road system shall be made and permits shall be issued on departmental Forms 442009, 442047, 442051, 442058 and 442059.

b. Any applications to other permit-issuing authorities made upon Forms 442009, 442047, 442051, 442058 and 442059 shall be sufficient and accepted as properly made by these authorities.

c. Subject to the preceding paragraph, permit-issuing authorities may adopt, amend or modify these forms provided that the amended or modified forms adequately identify the applicant, the hauling vehicle and load, the manner and extent that the vehicle with load exceeds the statutory size and weight limits, the route, and the authorization of the issuing authority. However, the load for a multitrip permit does not have to be identified but the vehicle and load cannot exceed either the weight per axle or the total weight identified on the multitrip permit. Axle spacings cannot change.

511.4(3) Validity.

a. Annual, annual oversize/overweight, and all-systems permits shall expire on the last day of the month one year from the date of issuance.

b. A single-trip permit shall be effective for five days.

c. The validity of a multitrip permit shall not exceed 60 calendar days.

511.4(4) Duplicate permit. If a permit is lost or destroyed before it has expired, a duplicate permit may be issued at the discretion of the permit-issuing authority. The expiration date on the duplicate permit shall be the same as on the original permit.

This rule is intended to implement Iowa Code sections 321E.1 and 321E.2.
[ARC 0136C, IAB 5/30/12, effective 7/4/12]

761—511.5(321,321E) Fees and charges.

511.5(1) Annual permit. A fee of \$25 shall be charged for each annual permit, payable prior to the issuance of the permit. Carriers purchasing annual permits in advance of use cannot return unused permits for refunds.

511.5(2) Annual oversize/overweight permit. A fee of \$300 shall be charged for each annual oversize/overweight permit, payable prior to the issuance of the permit. Transfer of current annual oversize/overweight permit to a replacement vehicle may be allowed when the original vehicle has been damaged in an accident, junked or sold.

511.5(3) All-systems permit. A fee of \$120 shall be charged for each annual all-systems permit, payable prior to the issuance of the permit.

511.5(4) Multitrip permit. A fee of \$200 shall be charged for each multitrip permit, payable prior to the issuance of the permit. Additional routes will require a new permit.

511.5(5) Single-trip permit. A fee of \$10 shall be charged for each single-trip permit, payable prior to the issuance of the permit.

511.5(6) Duplicate permit. A fee of \$2 shall be charged for each duplicate permit, payable prior to the issuance of the permit.

511.5(7) *Registration fee.* A registration fee shall be charged for vehicles transporting buildings, except mobile homes and factory-built structures, on a single-trip basis. The vehicle shall be registered for the combined gross weight of the vehicle and load. The fee shall be 5 cents per ton exceeding the weight registered under Iowa Code section 321.122 per mile of travel and shall be payable prior to the issuance of the permit. Fees shall not be prorated for fractions of miles.

511.5(8) *Fair and reasonable costs.* Permit-issuing authorities may charge any permit applicant:

- a. A fair and reasonable cost for the removal and replacement of natural obstructions or official signs and signals.
- b. A fair and reasonable cost for measures necessary to avoid damage to public property including structures and bridges.

511.5(9) *Methods of payment.*

a. Fees and costs required under this chapter of rules shall normally be paid by certified check, cashier's check, traveler's check, bank draft or cash. Personal checks may be accepted at the discretion of the permit-issuing authority.

b. At the discretion of the permit-issuing authority, a payment procedure may be established to allow monthly billing for permits. The following procedures shall apply:

(1) Applicants shall deposit sufficient funds with the permit-issuing authority to guarantee payment of fees for the average number of permits ordered monthly. Deposits may be used to pay outstanding fees due when payment is not received upon billing.

(2) Monthly billings shall be sent to account holders.

(3) All future permit activity may be suspended after written notice of suspension to the account holder when the following requirements are not met:

Payment shall be received within 30 days from the date of the billing.

All information listed on the account holder's permit shall match the information listed on the permit-issuing authority's permit.

(4) Account privileges may be permanently canceled after written notice to the account holder when the requirements listed in paragraph 511.5(9) "b" are not met.

(5) Any account holder in good standing may close the account and request return of the deposit. Accounts closed under these circumstances may be reopened.

This rule is intended to implement Iowa Code sections 321.12, 321.122, 321E.14, 321E.29 and 321E.29A.

761—511.6(321E) Insurance and bonds.

511.6(1) *Insurance.*

a. Public liability insurance in the amounts of \$100,000 bodily injury each person, \$200,000 bodily injury each occurrence, and \$50,000 property damage with an expiration date to cover the tenure of the annual, annual oversize/overweight, all-systems, multitrip or single-trip permit shall be required. In lieu of filing with the permit-issuing authority, a copy of the current certificate of public liability insurance in these amounts shall be carried in the vehicle for which the permit has been issued.

b. Notwithstanding paragraph "a" of this subrule, a carrier may act as a self-insurer if an application for self-insurance is filed with and approved by the department.

511.6(2) *Bond.*

a. The permit-issuing authority may require the applicant to file a bond, certified check or other assurance in an amount sufficient to cover the reasonably anticipated cost of damage or loss to private property, either real or personal, likely to be caused by or arising out of the movement of the vehicle and load or to ensure compliance with permit provisions.

b. The amount in the preceding paragraph may be reduced either in whole or in part by the applicant's submission to the permit-issuing authority of written permission from an affected third party stating in substance that the third party either owns or has the right of exclusive possession and control over the affected property, does by the party's signature consent to the move and that the applicant has in hand paid or secured the payment of the anticipated cost of loss or damage to the party's property.

This rule is intended to implement Iowa Code section 321E.13.

761—511.7(321,321E) Annual permits. Annual permits are issued for indivisible vehicles or indivisible loads for travel when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. Annual permits are issued for the following:

511.7(1) Vehicles with indivisible loads, including construction machinery, mobile homes and factory-built structures, provided the following are not exceeded:

- a. Width.* 12 feet 5 inches including appurtenances.
- b. Length.* 120 feet 0 inches overall.
- c. Height.* 13 feet 10 inches.
- d. Weight.* See rule 511.12(321,321E).
- e. Distance.* Movement is allowed for unlimited distance; routing through the office of motor carrier services is not required.

511.7(2) Vehicles with indivisible loads, including construction machinery, mobile homes and factory-built structures, provided the following are not exceeded:

- a. Width.* 14 feet 6 inches.
- b. Length.* 120 feet 0 inches overall.
- c. Height.* 15 feet 5 inches.
- d. Weight.* See rule 511.12(321,321E).
- e. Distance.* Movement is restricted to 50 miles unless trip routes are obtained from the office of motor carrier services or the route continues on at least four-lane roads. Trip routes are valid for five days.

511.7(3) Vehicles with indivisible loads, including construction machinery, mobile homes and factory-built structures, provided the following are not exceeded:

- a. Width.* 16 feet 0 inches.
- b. Length.* 120 feet 0 inches.
- c. Height.* 15 feet 5 inches.
- d. Weight.* See rule 761—511.12(321,321E).
- e. Distance.* Trip routes must be obtained from the office of motor carrier services.

511.7(4) Rescinded IAB 1/23/02, effective 2/27/02.

511.7(5) Truck trailers manufactured or assembled in the state of Iowa provided the following are met:

- a. Width.* Not to exceed 10 feet 0 inches.
- b. Length.* Overall combination length must comply with Iowa Code section 321.457.
- c. Height.* Statutory: Not to exceed 13 feet 6 inches.
- d. Weight.* See rule 511.12(321,321E).
- e. Speed.* Rescinded IAB 2/7/01, effective 3/14/01.
- f. Roadway width.* At least 24 feet 0 inches.
- g. Limited movement.* Movement shall be solely for the purpose of delivery or transfer from the point of manufacture or assembly to another point of manufacture or assembly within the state or to a point outside the state and shall be on the most direct route necessary for the movement.

511.7(6) Vehicles with divisible loads of hay, straw or stover provided the following are not exceeded:

- a. Width.* 12 feet 5 inches.
- b. Length.* Must comply with Iowa Code section 321.457.
- c. Height.* Statutory: 13 feet 6 inches.
- d. Weight.* See rule 511.12(321,321E).
- e. Distance.* Unlimited.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.1, 321E.2, 321E.10, 321E.28, 321E.29 and 321E.29A and Iowa Code Supplement section 321E.8 as amended by 2002 Iowa Acts, Senate File 2192, section 36.

761—511.8(321,321E) Annual oversize/overweight permits. Annual oversize/overweight permits are issued for indivisible vehicles or indivisible loads for travel when either the dimensions or the weight or both the dimensions and the weight exceed statutory limits. Travel is not allowed on the interstate. However, a carrier moving under this annual oversize/overweight permit may operate under the same restrictions as an annual permit under rule 511.7(321,321E) when the vehicle meets the dimensions required by that rule. Routing is subject to embargoed bridges and roads and posted speed limits. Annual oversize/overweight permits are issued for the following:

511.8(1) Vehicles with indivisible loads, including construction machinery, mobile homes and factory-built structures, provided the following are not exceeded:

a. Width. 13 feet 5 inches.

b. Length. 120 feet 0 inches.

c. Height. 15 feet 5 inches.

d. Weight. See rule 511.12(321,321E).

e. Routing. The owner or operator shall select a route using a vertical clearance map, kip map, bridge embargo map and detour and road embargo map provided by the department. Detour and road embargo information may also be found on the Internet at www.511ia.com. The owner or operator shall contact the department by telephone at 1-800-925-6469 between 8 a.m. and 4 p.m., Monday through Thursday, except for legal holidays or at any other time at (515)237-3206 prior to making the move to verify that the owner or operator is using the most recent information.

511.8(2) Reserved.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.1, 321E.2, 321E.28 and Iowa Code Supplement section 321E.8 as amended by 2002 Iowa Acts, Senate File 2192, section 36.

761—511.9(321,321E) All-systems permits. All-systems permits are issued by the office of motor carrier services for indivisible vehicles or indivisible loads for travel on the primary road system and specified city streets and county roads when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The office of motor carrier services will provide a list of the authorized city streets and county roads. These permits are issued for the following:

511.9(1) Vehicles with indivisible loads, including construction machinery, mobile homes and factory-built structures, provided the following are not exceeded:

a. Width. 12 feet 5 inches including appurtenances.

b. Length. 120 feet 0 inches overall.

c. Height. 13 feet 10 inches.

d. Weight. See rule 511.12(321,321E).

e. Distance. Movement is allowed for unlimited distance; routing through the office of motor carrier services and city and county jurisdictions is not required.

511.9(2) Vehicles with indivisible loads, including construction machinery, mobile homes and factory-built structures, provided the following are not exceeded:

a. Width. 14 feet 6 inches.

b. Length. 120 feet 0 inches overall.

c. Height. 15 feet 5 inches.

d. Weight. See rule 511.12(321,321E).

e. Distance. Movement is restricted to 50 miles unless trip routes are obtained from the office of motor carrier services and city and county jurisdictions or the route continues on at least four-lane roads. Trip routes are valid for five days.

511.9(3) Vehicles with indivisible loads, including construction machinery, mobile homes and factory-built structures, provided the following are not exceeded:

a. Width. 16 feet 0 inches.

b. Length. 120 feet 0 inches.

c. Height. 15 feet 5 inches.

- d. Weight.* See rule 511.12(321,321E).
- e. Distance.* Trip routes must be obtained from the office of motor carrier services and city and county jurisdictions.

511.9(4) Rescinded IAB 1/23/02, effective 2/27/02.

511.9(5) Truck trailers manufactured or assembled in the state of Iowa provided the following are met:

- a. Width.* Not to exceed 10 feet 0 inches.
- b. Length.* Overall combination length must comply with Iowa Code section 321.457.
- c. Height.* Statutory: Not to exceed 13 feet 6 inches.
- d. Weight.* See rule 511.12(321,321E).
- e. Speed.* Rescinded IAB 2/7/01, effective 3/14/01.
- f. Roadway width.* At least 24 feet 0 inches.
- g. Limited movement.* Movement shall be solely for the purpose of delivery or transfer from the point of manufacture or assembly to another point of manufacture or assembly within the state or to a point outside the state and shall be on the most direct route necessary for the movement.

511.9(6) Vehicles with divisible loads of hay, straw or stover provided the following are not exceeded:

- a. Width.* 12 feet 5 inches.
- b. Length.* Must comply with Iowa Code section 321.457.
- c. Height.* Statutory: 13 feet 6 inches.
- d. Weight.* See rule 511.12(321,321E).
- e. Distance.* Movement is allowed for unlimited distance; routing through the office of motor carrier services and city and county jurisdictions is not required.

511.9(7) Necessary trip routes must be obtained from the appropriate city and county jurisdictions.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.1, 321E.2, 321E.10, 321E.28 and 321E.29 and Iowa Code Supplement section 321E.8 as amended by 2002 Iowa Acts, Senate File 2192, section 36.

761—511.10(321,321E) Multitrip permits. Multitrip permits are issued for indivisible vehicles or indivisible loads for travel when either the dimensions or the weight or both the dimensions and the weight exceed statutory limits. The permit shall be for specific routes between points of origin and destination. Multitrip permits are issued for the following:

511.10(1) Multitrip permits may be issued for vehicles with indivisible loads, including construction machinery, mobile homes and factory-built structures, provided the following are not exceeded:

- a. Width.* 16 feet.
- b. Length.* 120 feet.
- c. Height.* Limited only to the height of underpasses, bridges, power lines, and other established height restrictions. The carrier shall be required to contact affected public utilities when the height of the vehicle with load exceeds 16 feet 0 inches. At the discretion of the permit-issuing authority, a written verification may be required from the affected utility.
- d. Weight.* 156,000 pounds total gross weight.
- e. Distance.* On routes specified by the permit-issuing authority.

511.10(2) Multitrip permits may be issued for all movements allowed under the single-trip permit provisions of rule 511.11(321,321E) provided the movement is within the size and weight limitations of subrule 511.10(1).

511.10(3) The dimensions listed on the permit are considered maximums. The movement is legal as long as the vehicle and load do not exceed these dimensions and the movement meets all other requirements of Iowa Code chapter 321E and this chapter of rules.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.1, 321E.2, 321E.9A and 321E.28.

761—511.11(321,321E) Single-trip permits. Single-trip permits are issued for indivisible vehicles or indivisible loads for travel when either the dimensions or the weight or both the dimensions and the weight exceed statutory limits. The permit shall be for a specific route between an origin and destination. Single-trip permits are issued for the following:

511.11(1) Vehicles with indivisible loads, including construction machinery, mobile homes and factory-built structures, provided the following are not exceeded:

- a. Width.* 14 feet 0 inches.
- b. Length.* 80 feet 0 inches overall.
- c. Height.* Limited only to the height of underpasses, bridges, power lines, and other established height restrictions. The carrier shall be required to contact affected public utilities when the height of the vehicle with load exceeds 16 feet 0 inches. At the discretion of the permit-issuing authority, a written verification may be required from the affected utility.
- d. Weight.* See rule 511.12(321,321E).
- e. Distance.* Unlimited distance over specified routes.

511.11(2) Rescinded IAB 4/28/93, effective 6/2/93.

511.11(3) Vehicles with indivisible loads, including construction machinery, mobile homes and factory-built structures, provided the following are not exceeded:

- a. Width.* 40 feet 0 inches overall.
- b. Length.* 120 feet 0 inches overall.
- c. Height.* Limited only to the height of underpasses, bridges, power lines, and other established height restrictions. The carrier shall be required to contact affected public utilities when the height of the vehicle with load exceeds 16 feet 0 inches. At the discretion of the permit-issuing authority, a written verification may be required from the affected utility.
- d. Weight.* See rule 511.12(321,321E).
- e. Distance.* Limited at the discretion of the permit-issuing authority. The following factors shall be considered:

Road conditions; road width; traffic volume; weather conditions; and roadside obstructions, including bridges, signs and overhead obstructions.

511.11(4) Vehicles especially designed for the movement of grain bins and vehicles with indivisible loads, including construction machinery, mobile homes and factory-built structures, provided the following are not exceeded:

- a. Width.* Must comply with Iowa Code section 321.454.
- b. Length.* 120 feet 0 inches overall.
- c. Height.* Statutory: 13 feet 6 inches.
- d. Weight.* See rule 511.12(321,321E).
- e. Distance.* Unlimited distance over specified routes.

511.11(5) Vehicles with divisible loads of hay, straw or stover provided the following are not exceeded:

- a. Width.* 12 feet 5 inches.
- b. Length.* Must comply with Iowa Code section 321.457.
- c. Height.* Statutory: 13 feet 6 inches.
- d. Weight.* See rule 511.12(321,321E).
- e. Distance.* Unlimited.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.1, 321E.2, 321E.9, 321E.28 and 321E.29.

761—511.12(321,321E) Maximum axle weights and maximum gross weights for vehicles and loads moved under permit.

511.12(1) *Annual and all-systems permits.*

- a.* For movement under an annual or all-systems permit, the axle weight and combined gross weight shall not exceed the limits found in Iowa Code section 321.463.
- b.* See subrule 511.12(5) for exceptions for construction machinery.

511.12(2) Annual oversize/overweight permits.

a. For movement under an annual oversize/overweight permit, the gross weight on any axle shall not exceed 20,000 pounds, with a maximum of 156,000 pounds total gross weight.

b. See subrule 511.12(5) for exceptions for construction machinery.

511.12(3) Multitrip permits.

a. For movement under a multitrip permit, the gross weight on any axle shall not exceed 20,000 pounds with a maximum of 156,000 pounds total gross weight.

b. See subrule 511.12(5) for exceptions for construction machinery.

511.12(4) Single-trip permits.

a. For movement under a single-trip permit, the gross weight on any axle shall not exceed 20,000 pounds.

b. If the combined gross weight exceeds 100,000 pounds, a single-trip permit may be issued for the movement only if the permit-issuing authority determines that it would not cause undue damage to the road and is in the best interest of the public.

c. Cranes may have a maximum of 24,000 pounds per axle for movement under a single-trip permit. Routes must be reviewed by the permit-issuing authority prior to issuance.

d. See subrule 511.12(5) for exceptions for construction machinery.

511.12(5) Construction machinery. Construction machinery may have a gross weight of 36,000 pounds on any single axle equipped with minimum size 26.5-inch by 25-inch flotation pneumatic tires and a maximum gross weight of 20,000 pounds on any single axle equipped with minimum size 18-inch by 25-inch flotation pneumatic tires, provided that the total gross weight of the vehicle or a combination of vehicles does not exceed a maximum of 80,000 pounds for movement under an annual or all-systems permit and 126,000 pounds for movement under a single-trip, multitrip or annual oversize/overweight permit.

For tire sizes and weights allowed between the maximum and minimum indicated, the following formula shall apply: Axle weight = 20,000 pounds + (tire width - 18) × 1,882 pounds.

This rule is intended to implement Iowa Code sections 321.463, 321E.7, 321E.9, 321E.9A and 321E.32 and Iowa Code Supplement section 321E.8 as amended by 2002 Iowa Acts, Senate file 2192, section 36.

761—511.13(321,321E) Movement of vehicles with divisible loads exceeding statutory size or weight limits.

511.13(1) Vehicles with divisible loads exceeding statutory size or weight limits may be moved under a single-trip permit if the permit-issuing authority determines that a special or emergency situation warrants its issuance.

511.13(2) At the discretion of the permit-issuing authority, the combined gross weight may exceed the statutory weight, but the axle weights shall be subject to rule 511.12(321,321E).

511.13(3) Movement shall be subject to the routes established by the permit-issuing authority.

511.13(4) This rule does not apply to divisible loads of hay, straw or stover.

This rule is intended to implement Iowa Code sections 321.463 and 321E.29.

761—511.14(321E) Towing units. The towing unit shall be a truck or truck tractor with dual wheels and with a gross vehicle weight rating of at least 10,000 pounds when towing mobile homes or loads exceeding 10,000 pounds.

This rule is intended to implement Iowa Code section 321.457.

761—511.15(321E) Escorting.

511.15(1) Escort qualification. An escort shall be a person aged 18 or over who possesses a Class A, B, C or D driver's license which allows driving unaccompanied, has a properly equipped vehicle, and who carries proof of public liability insurance in the amounts of \$100,000/\$200,000/\$50,000.

511.15(2) Escorting responsibilities.

a. The escorting vehicle shall be a mid-size automobile or motor truck with sufficient mobility to be able to assist in an emergency and designed to afford clear and unobstructed vision both front and rear. In questionable cases the permit-issuing authority shall determine if a vehicle meets these conditions.

b. The escorting vehicle shall have an amber revolving light at least 7 inches high and 7 inches in diameter with at least a 100-candlepower lamp providing 360° warning. A light of smaller dimensions shall not be permitted unless a strobe light is used. While escorting a permit load, the revolving light shall be mounted on top of the escort vehicle and shall be burning. Additional escort vehicle markings may be approved or required by the permit-issuing authority.

c. An 18-inch by 18-inch red or orange fluorescent flag shall be mounted on each corner of the front bumper of the escort vehicle.

d. The escort shall remain a distance of approximately 300 feet in front or to the rear of the load. However, when traveling within the corporate limits of a city, the escort shall maintain a reasonable and proper distance consistent with existing traffic conditions.

e. A separate escort shall be provided for each load hauled under escort.

f. All traffic laws and provisions of the oversize permit for the load shall be obeyed.

g. The escort shall not assume responsibility for stopping traffic. An on-duty peace officer, as defined in Iowa Code section 321.1, shall be contacted to provide any traffic control needed.

h. Immediately prior to an escorting trip, the escort shall determine that the escorting vehicle is in a safe operational condition and that the dimensions of the vehicle and load are in compliance with the permit issued.

i. Escort fees charged by state and local authorities shall not exceed \$250 per day per escort vehicle.

j. A pole used for measuring vertical clearances shall be mounted on the escort vehicle. The escort shall be required to measure all vertical clearances whenever the height of the permitted vehicle exceeds 14 feet 4 inches up to and including 20 feet.

511.15(3) Requirements for escorts, flags, signs and lights. The following chart explains the minimum escort and warning devices required for vehicles operating under permit.

Minimum Warning Devices and Escort Requirements
For Vehicles Operating Under Permit

	Flags/Signs	Lights	Escorts	
			4-Lane	2-Lane
Length				
75'1" up to and including 85'	✓	not required	not required	not required
Over 85' up to and including 120'	✓	✓	not required	not required
Over 120'	✓	not required	rear	rear
Projections				
Front: over 25'	not required	✓	not required	not required
Rear: over 4' up to and including 10'	flags only	not required	not required	not required
Rear: over 10'	flags only	✓	not required	not required
Height				
Over 14'4" up to and including 20'	✓	not required	front with a height pole	front with a height pole
Weight				
Over 80,000 lbs.	not required	✓	not required	not required

Width				Lane Width Less than 12'	Lane Width 12' and more
Over 8'6" up to half the roadway	✓	not required	not required	not required	not required
Over half the roadway, up to and including 14'6"					
<i>with sufficient shoulders</i>	✓	not required	rear *	front	front *
<i>without sufficient shoulders</i>	✓	not required	rear *	front	front
Over 14'6" up to and including 16'6"	✓	not required	rear *	front	front
Over 16'6" up to and including 18'	✓	not required	rear	front	front

*In lieu of an escort, a carrier can display an amber light or strobe light on the power unit and on the rear extremity of the vehicle or load.

✓Required

Definitions:

Flags - Red or orange fluorescent flags at least 18" square must be mounted as follows: one flag at each front corner of the towing unit and one flag at each rear corner of the load. In addition, there must be a flag at any additional protrusion in the width of the load.

Signs - A sign reading "Oversize Load" must be used. The sign must be at least 18" high by 7' long with a minimum of 12" black letters, with a 1 1/2" stroke, on a yellow background, and mounted on the front bumper and on the rear of the load. The rear sign for mobile homes and factory-built structures must be mounted at least 7' above the highway surface, measuring from the bottom of the sign.

Lights - An amber revolving light must be at least 7" high and 7" in diameter with at least a 100-candlepower lamp providing 360° warning (or strobe light) mounted on the towing unit, visible from front and rear. More than one light may be necessary.

Sufficient Shoulder - A gravel or paved surface extending a minimum of 6' beyond the edge of the roadway. (Roadways with sufficient shoulders will be identified by the department.)

The permit-issuing authority may require additional escorts when deemed necessary. The signs or warning devices must be removed or covered when the vehicle is within legal dimensions.

This rule is intended to implement Iowa Code sections 321E.14, 321E.24 and 321E.34.

761—511.16(321,321E) Permit violations.

511.16(1) Permit violations are to be reported to the permit-issuing authority by the arresting officer and the permit holder. If a permit holder is found to have willfully violated permit provisions, the office of motor carrier services may, after notice and hearing, suspend, modify or revoke the permit privileges of the permit holder consistent with Iowa Code section 321E.20.

511.16(2) Rescinded IAB 1/15/97, effective 4/30/97.

511.16(3) Rescinded IAB 1/15/97, effective 4/30/97.

511.16(4) Rescinded IAB 10/12/05, effective 11/16/05.

This rule is intended to implement Iowa Code sections 321.492, 321E.16 and 321E.20.

[Filed February 5, 1969; amended May 1, 1969, October 14, 1969, April 30, 1970, October 15, 1971, April 15, 1974, December 4, 1974, May 14, 1975; transferred to Department of Transportation, July 1, 1975]

[Filed 5/26/76, Notice 4/5/76—published 6/14/76, effective 7/19/76]

[Filed 9/16/77, Notice 7/13/77—published 10/5/77, effective 11/9/77]

[Filed 9/8/78, Notice 7/26/78—published 10/4/78, effective 11/8/78]

[Filed emergency 6/21/79—published 7/11/79, effective 6/21/79]

[Filed emergency 9/20/79—published 10/17/79, effective 9/20/79]

[Filed 1/28/80, Notice 12/12/79—published 2/20/80, effective 3/26/80]

[Filed emergency 2/14/80 after Notice 12/12/79—published 3/5/80, effective 3/26/80]

[Filed 6/2/81, Notice 4/15/81—published 6/24/81, effective 7/29/81]

[Filed 12/2/81, Notice 9/30/81—published 12/23/81, effective 1/27/82]

[Filed 12/16/82, Notice 10/27/82—published 1/5/83, effective 2/9/83]

[Filed emergency 3/31/83—published 4/27/83, effective 3/31/83]

[Filed 12/11/85, Notice 10/23/85—published 1/1/86, effective 2/5/86]
 [Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]
 [Filed 5/13/87, Notice 3/25/87—published 6/3/87, effective 7/8/87]
 [Filed emergency 3/26/92—published 4/15/92, effective 4/29/92]
 [Filed 4/8/93, Notice 3/3/93—published 4/28/93, effective 6/2/93]
 [Filed emergency 7/8/94—published 8/3/94, effective 7/8/94]
 [Filed 9/8/94, Notice 8/3/94—published 9/28/94, effective 11/2/94]
 [Filed 3/5/97, Notice 1/15/97—published 3/26/97, effective 4/30/97]
 [Filed emergency 6/26/97—published 7/16/97, effective 7/1/97]
 [Filed 8/27/97, Notice 7/16/97—published 9/24/97, effective 10/29/97]
 [Filed 1/16/01, Notice 11/29/00—published 2/7/01, effective 3/14/01]
 [Filed 12/19/01, Notice 11/14/01—published 1/23/02, effective 2/27/02]
 [Filed 9/11/02, Notice 7/10/02—published 10/2/02, effective 11/6/02]
 [Filed 9/14/05, Notice 8/3/05—published 10/12/05, effective 11/16/05]
 [Filed 12/13/06, Notice 11/8/06—published 1/3/07, effective 2/7/07]
 [Filed 12/12/07, Notice 11/7/07—published 1/2/08, effective 2/6/08]
 [Filed ARC 0136C (Notice ARC 0068C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

¹ Effective date of 511.2(1), 511.4(1) “a,” 511.4(2) “a” and “b,” 511.5(1), 511.5(6) “b”(3), 511.7, 511.8, 511.9(1) to 511.9(5), 511.14(2) “g” and “i,” 511.14(3) “e,” delayed 70 days by the Administrative Rules Review Committee at its meeting held May 12, 1993; delay lifted by this Committee June 8, 1993, effective June 9, 1993.

CHAPTER 524
FOR-HIRE INTRASTATE MOTOR CARRIER AUTHORITY

761—524.1(325A) Purpose and applicability.

524.1(1) This chapter establishes requirements concerning for-hire intrastate motor carriers.

524.1(2) This chapter applies to motor carriers of household goods, bulk liquid commodities, all other property, and passengers.

761—524.2(325A) General information.

524.2(1) Information and location. Applications, forms and information on motor carrier permits and motor carrier certificates are available by mail from the Office of Motor Carrier Services, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3224; or by facsimile at (515)237-3354.

524.2(2) Waiver of rules. In accordance with 761—Chapter 11, the director of transportation may, in response to a petition, waive provisions of this chapter. A waiver shall not be granted unless the director finds that special or emergency circumstances exist.

“*Special or emergency circumstances*” means one or more of the following:

1. Circumstances where the movement is necessary to cooperate with cities, counties, other state agencies or other states in response to a national or other disaster.

2. Circumstances where the movement is necessary to cooperate with national defense officials.

3. Circumstances where the movement is necessary to cooperate with public or private utilities in order to maintain their public services.

4. Circumstances where the movement is essential to ensure safety and protection of any person or property due to events such as, but not limited to, pollution of natural resources, a potential fire or an explosion.

5. Circumstances where weather or transportation problems create an undue hardship for citizens of the state of Iowa.

6. Circumstances where movement involves emergency-type vehicles.

7. Uncommon or extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazards to the safety of the traveling public or undue damage to private or public property.

524.2(3) Complaints. Complaints against motor carriers pertaining to the provisions of this chapter shall be submitted in writing to the office of motor carrier services.

761—524.3(325A) Applications and supporting documents.

524.3(1) Application. An application for a motor carrier permit or motor carrier certificate shall be made to the office of motor carrier services on a form prescribed for that purpose and furnished upon request.

524.3(2) Application fee. An application for a motor carrier permit or motor carrier certificate shall be accompanied by the statutory application fee. This fee shall be paid by cash, check or money order made payable to the Iowa Department of Transportation.

524.3(3) Supporting documents. An application for a motor carrier permit or motor carrier certificate must be accompanied by the following:

a. Proof of insurance.

b. Safety self-certification. (See rule 524.9(325A).)

c. Form MCS 150, if the motor carrier does not have a U.S. DOT number.

d. Financial statement, only for motor carriers of bulk liquid commodities (nondairy) and regular-route passengers. (See rule 524.10(325A).)

e. Tariff, only for motor carriers of household goods.

761—524.4(325A) Issuance of credentials. When all requirements are met, the department shall issue the motor carrier permit or certificate. The motor carrier shall make a copy of the permit or certificate

and carry it in each motor vehicle at all times. The permit or certificate shall be available for display to any peace officer upon request.

761—524.5(325A) Duplicate motor carrier permit or motor carrier certificate. Written requests for a duplicate motor carrier permit or motor carrier certificate shall be sent to the office of motor carrier services. Requests shall include the carrier name or U.S. DOT number. Any motor carrier in good standing shall be issued a duplicate document upon payment of the required fee.

761—524.6(325A) Amendment to a motor carrier permit or certificate.

524.6(1) *Update to a motor carrier permit.* To change the commodities being transported under a permit, an updated application must be submitted to the office of motor carrier services. The updated application shall include the permit number and the required fee for a duplicate permit. Transporting of commodities not listed on the permit shall not commence until a new permit or temporary permit has been issued and is carried in the vehicle.

524.6(2) *Change of name or address for a motor carrier permit or certificate.* Notification of a name or address change shall be sent to the office of motor carrier services within 30 days after the change. Notification shall include the permit or certificate number, old name or address, new name or address, and the required fee.

761—524.7(325A) Insurance—suspension.

524.7(1) *Insurance.* Each motor carrier shall at all times maintain on file with the department the effective certificate(s) of insurance or a surety bond on a form prescribed by the department.

a. The insurance or the surety bond shall be written for a period of one year or more.

b. The department shall be given written notice 30 days prior to the cancellation of the insurance or the surety bond.

524.7(2) *Self-insurance.* In lieu of maintaining the above insurance, intrastate carriers that also operate interstate and have been approved by a federal agency to self-insure may apply to the department to self-insure by submitting a written request to the office of motor carrier services. The written request shall include a copy of the federal agency's approval. The department shall allow self-insurance as long as a federal agency has approved the carrier to self-insure and the motor carrier provides the department with copies of any information required by that federal agency. The department must be notified immediately by the motor carrier if there is any change in the status of the self-insurance for interstate operation.

524.7(3) *Suspension for no insurance.* If a motor carrier fails to maintain the required insurance on file with the department, the department shall suspend the motor carrier's permit or certificate in accordance with Iowa Code chapter 325A and rule 524.17(325A). The suspension shall remain in effect until the requirements are met and a reinstatement fee is paid. A motor carrier shall not continue operation without proper insurance.

761—524.8(325A) Self-insurance for motor carriers of passengers.

524.8(1) *Applications for self-insurance.* A motor carrier of passengers with more than 25 motor vehicles may request self-insurance by submitting a written request to the office of motor carrier services. The written request shall include a copy of the most recent audited financial statement and a vehicle list.

524.8(2) *Review by the department.* The department may request additional information. The department shall deny the request to self-insure or suspend existing approval if the motor carrier fails to meet the self-insurance standard. Approval of self-insurance is continuous. However, the motor carrier shall annually file audited financial statements with the office of motor carrier services within 60 days after the end of the motor carrier's fiscal year.

524.8(3) *Cancellation of self-insurance approval.* The department may cancel approval of self-insurance on reasonable grounds. Reasonable grounds include, but are not limited to, the following: failure to pay a final judgment within 30 days or failure to file an annual, audited financial statement.

The department shall give five days' notice to the motor carrier prior to any hearing to cancel approval of self-insurance.

761—524.9(325A) Safety self-certification. All motor carriers shall follow the safety regulations as stated in 761—Chapter 520 concerning operation, maintenance and inspection of vehicles used in the business. Motor carriers shall submit on a form prescribed by the department a self-certification stating knowledge, understanding and willingness to follow these safety regulations.

761—524.10(325A) Financial statement. An application by a motor carrier of bulk liquid commodities (nondairy) or regular-route passengers must include a statement signed by an authorized agent of a lending institution or a certified public accountant attesting to the financial capability of that carrier. At a minimum, the certification shall be based on meeting the following ratios:

Current Ratio: Minimum of 1.2:1

Current Assets

Current Liabilities = _____

Projected Operating Ratio: Maximum of 95

1. New Operation

(Use 5-Year Projection) $\frac{\text{Operating Expenses}}{\text{Operating Revenue}} \times 100 = \underline{\hspace{2cm}}$

2. Existing Operation $\frac{\text{Operating Expenses}}{\text{Operating Revenue}}$

(Use 1-Year Projection)

Working Capital Ratio: Minimum 12 days Capital

$\frac{\text{Current Assets Less Current Liabilities}}{\text{Average Daily Operating Expenses}} = \underline{\hspace{2cm}}$

761—524.11(325A) Safety education seminar.

524.11(1) Requirement. Motor carriers of bulk liquid commodities (nondairy) and passengers shall attend an approved safety education seminar within six months of issuance of the permit or certificate except as provided in subrule 524.11(4). The individuals in attendance shall be the persons responsible for the safety records and driver training. Failure to attend an approved safety education seminar within the time provided shall result in suspension of the motor carrier permit or certificate.

524.11(2) Availability. The department shall provide an approved safety education seminar periodically. Information on the seminar schedule is available by mail from the Office of Motor Vehicle Enforcement, Iowa Department of Transportation, P.O. Box 10473, Des Moines, Iowa 50306-0473; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; or by telephone at (800)925-6469.

524.11(3) Third-party safety education seminar approval. The office of motor vehicle enforcement shall approve the course curriculum before approving individuals outside the department to conduct safety education seminars. The course curriculum shall be submitted for approval to the office of motor vehicle enforcement. At a minimum, the safety course curriculum shall include the following information:

- a. Commercial driver's license regulations.
- b. A general overview of the U.S. DOT's motor carrier safety regulations and hazardous materials regulations which are adopted annually by the department.
- c. Iowa Code sections 321.449 and 321.450 and all associated administrative rules.
- d. Iowa Code section 321.463 and all associated administrative rules.
- e. Out-of-service criteria.
- f. A general overview of the U.S. DOT's Emergency Response Guide Book.

524.11(4) Exemption. Passenger carriers with vehicles not meeting the definition of a commercial vehicle as defined in Iowa Code section 321.1 are exempt from attending the safety education seminar and paying the seminar fee. A motor carrier certificate issued for such a carrier contains the statement: "limited to noncommercial vehicles only." If a motor carrier wishes to start operating vehicles that meet the definition of a commercial motor vehicle, the motor carrier must update its authority with the office of motor carrier services. A motor carrier must pay the seminar fee and attend the seminar within six

months of updating the certificate. A new motor carrier certificate removing the limitation would then be issued.

[ARC 0136C, IAB 5/30/12, effective 7/4/12]

761—524.12(325A) Marking of motor vehicles. “Motor vehicle” is defined in Iowa Code chapter 325A. Before placing any motor vehicle in service, the motor vehicle shall be clearly marked with letters and figures large enough to be easily read at a distance of 50 feet and in a color in contrast to the background. These markings shall be painted on each side of the motor vehicle or may consist of a removable device that meets identification and legibility requirements and is securely placed on each side of the motor vehicle.

524.12(1) Motor carriers operating intrastate only shall display:

- a. Name of motor carrier under whose authority the motor vehicle is being operated.
- b. U.S. DOT number followed by the letters “IA.”

524.12(2) Motor carriers operating both interstate and intrastate shall display markings in accordance with 49 CFR Part 390.21, as adopted in 761—Chapter 520.

761—524.13(325A) Bills of lading or freight receipts.

524.13(1) Requirements. Every motor carrier operating under a motor carrier permit, except for those motor carriers transporting unprocessed agricultural and horticultural products and livestock, shall issue a bill of lading or receipt in triplicate on the date freight is received for shipment. The bill of lading or receipt shall show the following:

- a. Name of motor carrier.
- b. Date and place received.
- c. Name of consignor.
- d. Name of consignee.
- e. Destination.
- f. Description of shipment.
- g. Signature of motor carrier or agent issuing the bill of lading or receipt.
- h. Freight described in apparent good order unless an exception is noted.

524.13(2) Retention. There shall be one copy of the bill of lading or receipt for the consignor, one for the consignee and one to be kept by the motor carrier. The motor carrier’s copy shall be carried with the cargo and shall show the total of all charges made for the movement of freight. The motor carrier shall keep the bill of lading or receipt for a period of not less than one year. At any reasonable time, the bill of lading or receipt is subject to inspection by the department’s representatives.

761—524.14(325A) Lease of a vehicle.

524.14(1) Lease defined. “Lease,” for the purpose of these rules, means a written document providing for the exclusive possession, control and responsibility over the operation of a vehicle by the lessee for a specific period of time as if the lessee were the owner. A copy of the lease must be carried in the leased vehicle at all times. No motor carrier may have more than one lease covering a specific vehicle in effect at a given time.

524.14(2) Lease of a vehicle to a shipper or a receiver. No motor carrier shall lease a vehicle with or without a driver to a shipper or a receiver.

524.14(3) Marking of a motor vehicle. Each lessee shall properly identify each motor vehicle during the period of the lease as specified in rule 524.12(325A).

524.14(4) Lease requirements. Any lease of a vehicle by any motor carrier except under the following conditions is prohibited:

- a. Every lease must be in writing and signed by the parties or their regular employees or agents duly authorized to act for them.
- b. Every lease shall specify the time that the lease begins and the time or circumstances on which it ends.

761—524.15(325A) Tariffs.

524.15(1) Requirements. All motor carriers of household goods shall maintain on file with the office of motor carrier services a tariff stating the rates and charges that apply for the services performed under the permit.

524.15(2) Printing. All tariffs and amendments or supplements must be in book, pamphlet or loose-leaf form. They must be plainly printed or reproduced. No alteration in writing or erasure shall be made in any tariff or supplement.

524.15(3) Filing date. All changes to tariffs and supplements must be filed with the office of motor carrier services at least seven days prior to the effective date. Tariffs, supplements or adoption notices issued in connection with applications for motor carriers of household goods may become effective on the date the permits are issued.

524.15(4) Copy to department. To file a tariff with the office of motor carrier services, motor carriers of household goods or their agents shall submit a transmittal letter listing all the enclosed tariffs and include one copy of each tariff, supplement or revised page.

524.15(5) Title page. The title page of every tariff and supplement shall include the following:

a. Each tariff shall be numbered in the upper right-hand corner, beginning with number 1. The number shall be shown as follows: Ia. DOT No.

When a tariff is issued canceling a tariff previously filed, the Ia. DOT number that has been canceled must be shown in the right-hand corner under the Ia. DOT number of the new tariff.

b. Supplements or changes to a tariff shall be numbered beginning with number 1, and this information shall be shown in the upper right-hand corner along with the number of any previous supplements canceled or changed by the supplement.

c. The name of each motor carrier of household goods must be the same as it appears on the permit. If the motor carrier of household goods is not a corporation and uses a trade name, the name of the individual or partners must precede the trade name.

d. Each tariff shall include a brief description of the territory or points from which and to which the tariff applies.

e. Each tariff shall contain the issue and effective dates.

f. Each tariff shall include the name, title and street address of the motor carrier of household goods or the agent by whom the tariff is issued.

524.15(6) Contents of tariff. Each tariff shall include the following:

a. A table of contents that is arranged alphabetically.

b. A complete index of all commodities including the page number. However, no index or table of contents is needed in tariffs of less than five pages or if the rates are alphabetically arranged by commodities.

c. An explanation of all abbreviations, symbols and reference marks used.

d. All rates in the tariff explicitly stated in cents or in dollars and cents per one hundred pounds, per mile, per hour, per ton or two thousand pounds, per truck load (of stated amount) or other definable measure. Where rates are stated in amounts per package or bundle, definite specifications of the packages or bundles must be shown and ambiguous terms, rates, descriptions or plans for determining charges shall not be accepted.

524.15(7) Duplication of rates. Motor carriers of household goods or their agents shall not publish duplicate or conflicting rates.

524.15(8) Tariff changes. All rates and charges which have been filed with the office of motor carrier services must be allowed to become effective and remain in effect for a period of at least seven days before being changed, canceled or withdrawn. All tariffs, supplements and revised pages shall indicate changes from the preceding issue by use of the following symbols:

(R) to denote reductions

(A) to denote increases

(C) to denote changes, the result of which is neither an increase nor a reduction.

The proper symbol must be shown directly in connection with each change.

524.15(9) Posting regulations. Each motor carrier of household goods must post and file at its principal place of business all of its tariffs and supplements. All tariffs must be kept available for public inspection.

524.15(10) Application for special permission. Motor carriers of household goods and agents when making application for permission to establish rates, charges, or rules of the tariff on less than the statutory seven days' notice shall use the form prescribed by the office of motor carrier services.

524.15(11) Powers of attorney and participation notices.

a. Whenever a motor carrier of household goods desires to give authority to an agent or to another motor carrier of household goods to issue and file tariffs and supplements in its stead, a power of attorney in the form prescribed by the department must be used.

b. The original power of attorney shall be filed with the office of motor carrier services and a copy sent to the agent or motor carrier of household goods on whose behalf the document was issued.

c. Whenever a motor carrier of household goods desires to cancel the authority granted an agent or another motor carrier of household goods by power of attorney, this may be done by a letter addressed to the department revoking the authority on 60 days' notice. For good cause, the department may authorize less than 60 days' notice. Copies of the notice must also be mailed to all interested parties by the motor carrier.

524.15(12) Nonconforming tariffs. The office of motor carrier services shall review tariffs that do not conform with subrules 524.15(1) to 524.15(11) to determine if they contain the necessary information and if they are acceptable. Tariffs that are unacceptable shall be returned with an explanation.

761—524.16(325A) Transfer of motor carrier regular-route passenger certificate or motor carrier permit for household goods. Rescinded IAB 5/30/12, effective 7/4/12.

761—524.17(325A) Suspension, revocation or reinstatement. The department may suspend or revoke a motor carrier permit or certificate for a violation of Iowa Code chapter 325A or this chapter. The suspension or revocation shall continue until the motor carrier is no longer in violation and the reinstatement fee is paid. A new permit or certificate shall be issued upon reinstatement.

761—524.18(325A) Hearings. A person whose application for a motor carrier permit or certificate has been denied for a reason other than noncompliance with insurance requirements or whose motor carrier permit or certificate has been suspended or revoked for a reason other than noncompliance with insurance requirements may contest the decision in accordance with Iowa Code chapter 17A and 761—Chapter 13, Iowa Administrative Code. The request for a hearing shall be submitted in writing to the director of the office of motor carrier services. The request shall include, as applicable, the motor carrier's name, permit or certificate number, complete address and telephone number. The request must be submitted within 20 days after the date of the notice of suspension, revocation or denial.

These rules are intended to implement Iowa Code chapter 325A.

[Filed 7/14/99, Notice 5/19/99—published 8/11/99, effective 9/15/99]

[Filed 3/7/01, Notice 1/10/01—published 4/4/01, effective 5/9/01]

[Filed 5/8/02, Notice 3/20/02—published 5/29/02, effective 7/3/02]

[Filed 9/14/05, Notice 8/3/05—published 10/12/05, effective 11/16/05]

[Filed 12/12/07, Notice 11/7/07—published 1/2/08, effective 2/6/08]

[Filed ARC 0136C (Notice ARC 0068C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]

CHAPTER 529
FOR-HIRE INTERSTATE MOTOR CARRIER AUTHORITY
[Prior to 6/3/87, Transportation Department[820]—(07,F)Ch 5]

761—529.1(327B) Motor carrier regulations. The Iowa department of transportation adopts the Code of Federal Regulations, 49 CFR Parts 365-368 and 370-379, dated October 1, 2011, for regulating interstate for-hire carriers.

Copies of this publication are available from the state law library or through the Internet at <http://www.fmcsa.dot.gov>.

[ARC 7901B, IAB 7/1/09, effective 8/5/09; ARC 8837B, IAB 6/16/10, effective 7/21/10; ARC 0136C, IAB 5/30/12, effective 7/4/12]

761—529.2(327B) Registering interstate authority in Iowa. Registration for interstate exempt and nonexempt authority shall be either mailed to the Office of Motor Carrier Services, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; delivered in person to 6310 SE Convenience Blvd., Ankeny, Iowa; or sent by facsimile to (515)237-3257.

761—529.3(327B) Waiver of rules. In accordance with 761—Chapter 11, the director of transportation may, in response to a petition, waive provisions of this chapter. A waiver shall not be granted unless the director finds that special or emergency circumstances exist.

“Special or emergency circumstances” means one or more of the following:

1. Circumstances where the movement is necessary to cooperate with cities, counties, other state agencies or other states in response to a national or other disaster.
2. Circumstances where the movement is necessary to cooperate with national defense officials.
3. Circumstances where the movement is necessary to cooperate with public or private utilities in order to maintain their public services.
4. Circumstances where the movement is essential to ensure safety and protection of any person or property due to events such as, but not limited to, pollution of natural resources, a potential fire or explosion.
5. Circumstances where weather or transportation problems create an undue hardship for citizens of the state of Iowa.
6. Circumstances where movement involves emergency-type vehicles.
7. Uncommon or extraordinary circumstances where the movement is essential to the existence of an Iowa business and the move may be accomplished without causing undue hazard to the safety of the traveling public or undue damage to private or public property.

These rules are intended to implement Iowa Code chapter 327B.

[Filed 7/15/75]

[Filed 10/17/80, Notice 8/20/80—published 11/12/80, effective 12/17/80]

[Filed emergency 7/18/85—published 8/14/85, effective 7/19/85]

[Filed 5/11/87, Notice 3/11/87—published 6/3/87, effective 7/8/87]

[Filed emergency 3/26/92—published 4/15/92, effective 4/29/92]

[Filed 7/14/99, Notice 5/19/99—published 8/11/99, effective 9/15/99]

[Filed 5/10/00, Notice 4/5/00—published 5/31/00, effective 7/5/00]

[Filed 3/7/01, Notice 1/10/01—published 4/4/01, effective 5/9/01]

[Filed 12/19/01, Notice 11/14/01—published 1/23/02, effective 2/27/02]

[Filed 3/13/02, Notice 2/6/02—published 4/3/02, effective 5/8/02]

[Filed 3/26/03, Notice 2/5/03—published 4/16/03, effective 5/21/03]

[Filed 4/21/04, Notice 3/17/04—published 5/12/04, effective 6/16/04]

[Filed 4/15/05, Notice 2/16/05—published 5/11/05, effective 6/15/05]

[Filed 9/14/05, Notice 8/3/05—published 10/12/05, effective 11/16/05]

[Filed 4/19/06, Notice 3/15/06—published 5/10/06, effective 6/14/06]

[Filed 3/21/07, Notice 2/14/07—published 4/11/07, effective 5/16/07]

[Filed 12/12/07, Notice 11/7/07—published 1/2/08, effective 2/6/08]

[Filed 5/14/08, Notice 4/9/08—published 6/4/08, effective 7/9/08]

[Filed ARC 7901B (Notice ARC 7716B, IAB 4/22/09), IAB 7/1/09, effective 8/5/09]

[Filed ARC 8837B (Notice ARC 8668B, IAB 4/7/10), IAB 6/16/10, effective 7/21/10]

[Filed ARC 0136C (Notice ARC 0068C, IAB 4/4/12), IAB 5/30/12, effective 7/4/12]